

THE  
GOVERNMENT OF BEDFORD MASSACHUSETTS  
BY  
KENNETH POND BLAKE, JR.

1949  
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BOSTON UNIVERSITY  
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Thesis

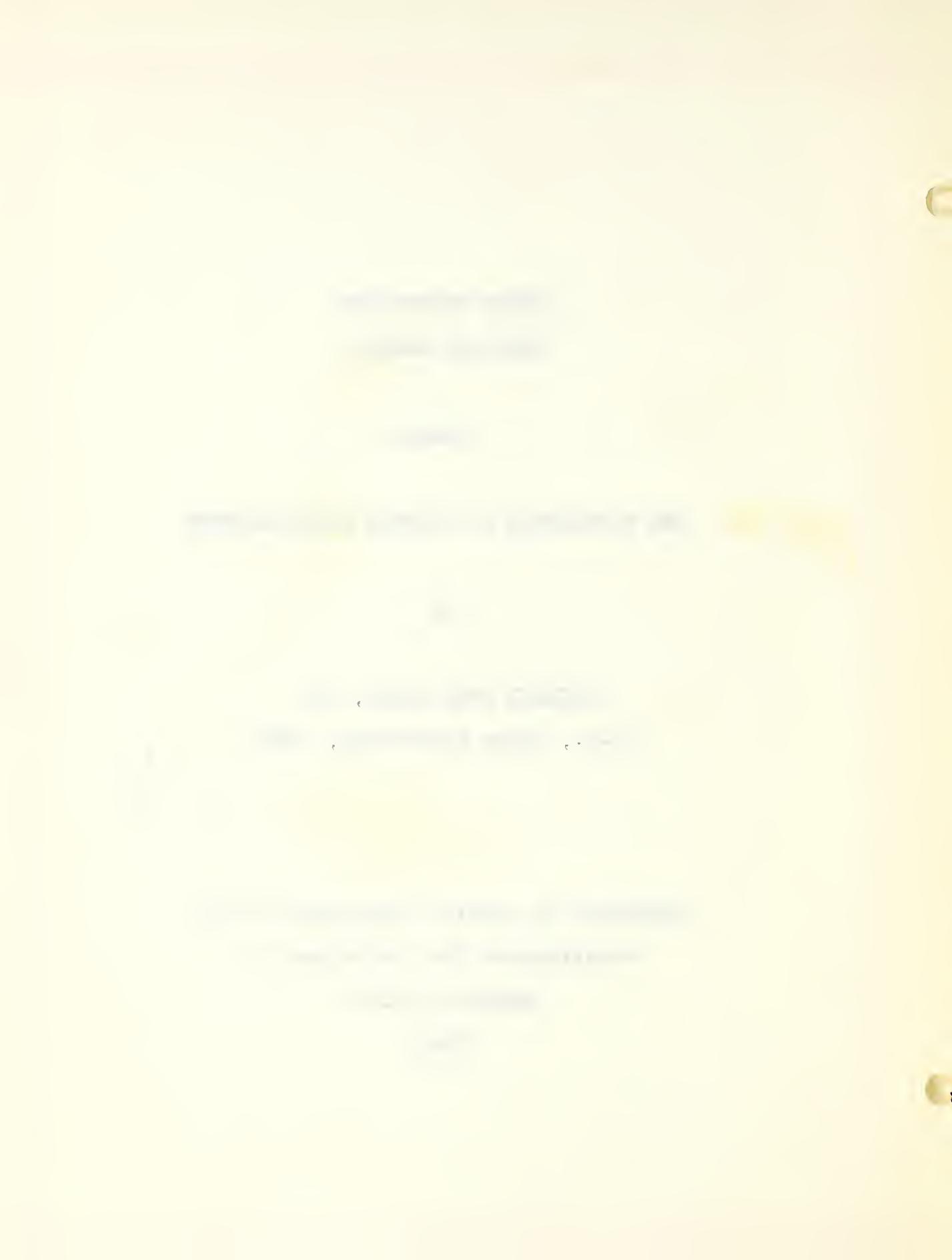
THE GOVERNMENT OF BEDFORD MASSACHUSETTS

by

KENNETH POND BLAKE, JR.  
(A.B., Brown University, 1948)

Submitted in partial fulfilment of the  
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## TABLE OF CONTENTS

	Page
INTRODUCTION . . . . .	1
CHAPTER I TOWN ORIGINS . . . . .	6
A. Origins of Town Government . . . . .	6
B. Origins of the Town of Bedford, Massachusetts . . . . .	16
CHAPTER II TOWN OFFICERS . . . . .	30
A. Town Clerk . . . . .	32
B. Board of Selectmen . . . . .	33
1. Police Department. . . . .	34
2. Fire Department . . . . .	35
3. Registrars of Voters . . . . .	37
4. Town Accountant . . . . .	38
5. Sealer of Weights and Measures and Gauger of Liquid Measures . . .	39
6. Building Inspector . . . . .	39
7. Town Counsel. . . . .	40
8. Public Weighers and Measurers of Wood, Bark and Manure . . . . .	40
9. Inspector of Animals . . . . .	41
10. Burial Agent. . . . .	42
11. Field Driver and Pound Keeper . . .	42
12. Fence Viewers . . . . .	43
13. Veteran's Officers . . . . .	44
14. Superintendent of the Work for the Extermination of Moths. . . . .	45
15. Dog Officer . . . . .	46
16. Zoning Law Board of Appeals. . . . .	46
C. Assessors . . . . .	47
D. Board of Public Welfare . . . . .	48
E. Town Treasurer . . . . .	50
F. Tax Collector . . . . .	50
G. Auditor . . . . .	51

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## TABLE OF CONTENTS

		Page
H. Board of Water Commissioners	• •	52
I. Board of Health	• • • •	52
J. School Committee	• • •	53
K. Board of Road Commissioners.	• •	55
L. Moderator-Finance Committee.	• •	56
M. Trustees of the Bedford Free Public Library Corporation.	• •	57
N. Shawsheen Cemetery Committee	• •	58
O. Constables	• • • • •	59
P. Tree Warden.	• • • •	60
Q. Park Commissioners	• • • •	60
R. Planning Board	• • • •	61
S. Bedford Housing Authority	• • •	61
 CHAPTER III TOWN-MEETING.	• • • •	 63
A. Nomination	• • • •	64
B. Election-Meeting.	• • • •	67
C. Business-Meeting.	• • • •	71
 SUMMARY	• • • • •	 83
 BIBLIOGRAPHY	• • • • •	 89
A. Books	• • • • •	89
B. Periodicals.	• • • • •	91
C. Public Record and Laws	• • •	92



## ILLUSTRATIONS

The Second Town-Meeting House Bedford, Massachusetts . . . . .	Frontispiece
Following Page	
Map of Bedford, Massachusetts, 1948 . . . . .	28
Warrant for a Special Town-Meeting . . . . .	80



## INTRODUCTION

"There is one thing better than good government, and  
that is government in which all the people have a part."<sup>1</sup>  
While this quotation applies to all levels of government, it is more particularly true at the local level. Local government includes those organizations and agencies established for the management of the public welfare with jurisdiction over an area smaller than that of the state in which it is located. This level of government is divided into rural government, including towns, townships, and counties with their various subdivisions such as achool districts, election precincts, etc., and urban government, including cities, villages, and boroughs with their similar subdivisions. The form of local government is provided for by each state legislature, and, therefore, it varies from state to state. The town became the most important rural unit in New England, the county developed in the South as the most influential unit, while the county and town were about equally important in the middle Atlantic states. When the eastern or seaboard people emigrated to the West they carried with them the system with which they were familiar. Hence the county type spread into the Southwest

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1. W.H.Page, Life and Letters, Vol.3, p.31.



and Far West, the town-county compromise type moved into the Middlewestern, Central and Northwestern states, and where New Englanders settled the compromise plan gave more weight to the town, notably in the Central states.<sup>2</sup>

In New England the word town designates a political subdivision of a county and corresponds to what is commonly called a township in other parts of the country. Herbert Baxter Adams explained these two political terms.

It is important to observe that, historically speaking, the word "Town" applies more particularly to the village itself, and that the word "Township" which is of very common occurrence in the early local annals of New England, better characterizes the Town's landed domain. It is true that the latter term has fallen into disuse in New England, and fortunately so, for with the definite legal idea now attached to this word Township in the Western States, as a tract of land six miles square, the term no longer characterizes our Towns, which are far from being of any definite size or of any regular pattern. The word "Town" is now almost universally employed in New England to characterize the whole extent of the Town's domain, and properly, for almost everywhere population has swarmed from its old village-hive, and houses are now built from one end of the Town to the other.<sup>3</sup>

During the last few decades much has been written about the defects and merits of town government. Many authors argue that the town has outlived its usefulness. Communication and transportation have so developed that the functions adequately administered by the towns in the horse era are now being centralized in the state. The increasing use of

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2. C.O. Johnson, Government in the United States, p.505.

3. H.B. Adams, "The Germanic Origin of New England Towns", p.28.



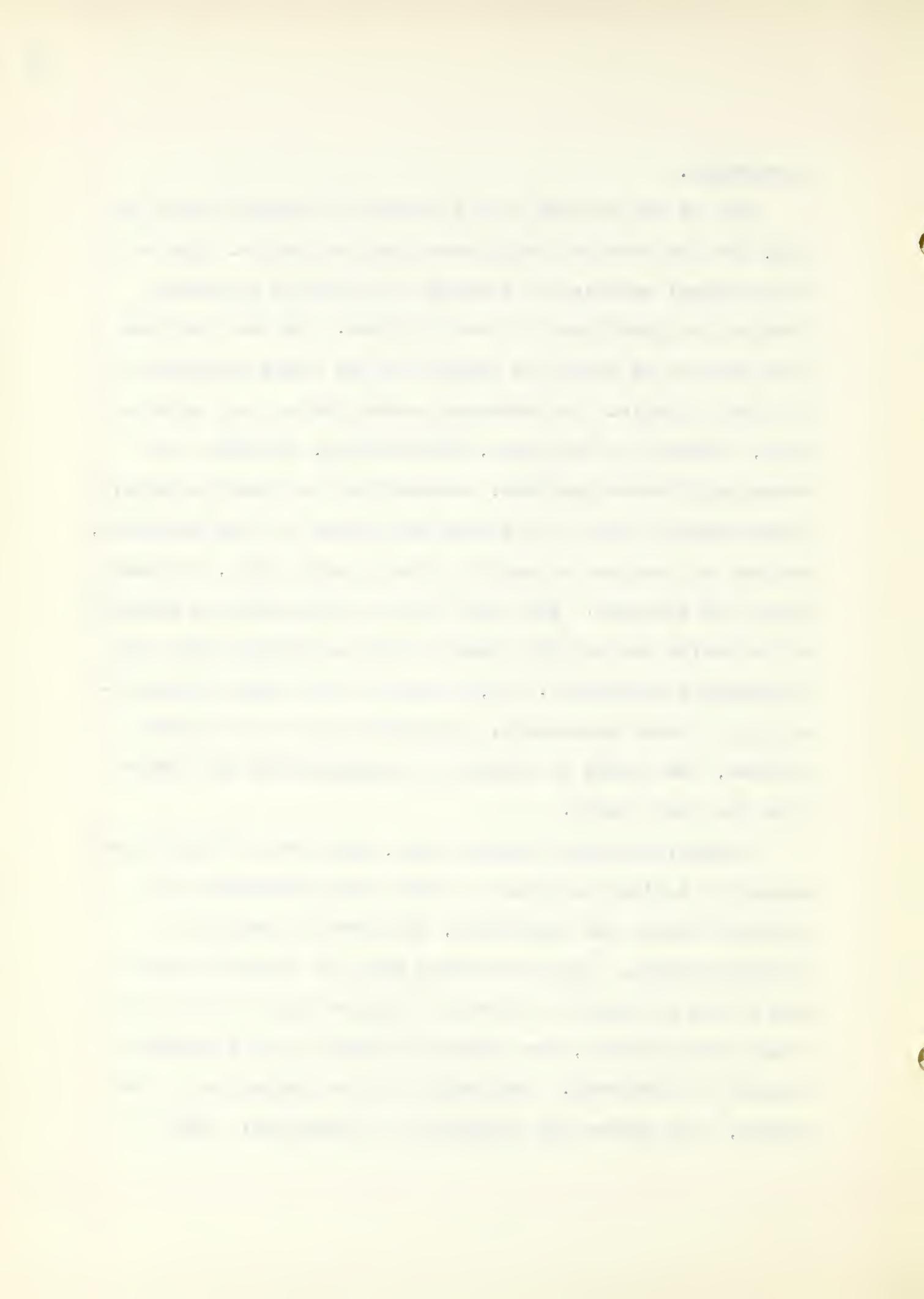
state financial aid as well as the widening authority of the state highway, police, health and education departments are convincing testimony that the town in and of itself cannot provide the services required by its citizens. The presence of foreign people who do not understand our system of local self-government, it is argued, adds discord to the orderly running of town affairs. Along this same line, the interests of the townspeople are so diversified by the wide variety of their occupations that there is little common ground on which all can meet for discussion. The large increase in population and the resulting enlarged town-meeting membership has seriously decreased the deliberative action of the annual meeting. Added to this is the fact that only a very limited amount of information is available to the voter, who is thus rendered unfit to vote effectively on a great majority of the complicated measures submitted at town-meeting. Some of the ills attributed to the higher levels of government have also been used to demonstrate the need for reform in town government. Among them is the small percentage of the qualified voters that turn out for the town-meetings. Another is the long ballot whereby the list of officials to be elected is so long that careful selection is next to impossible. Finally, the agencies of the towns were established and now function in such a hap-hazard manner that it is almost impossible to maintain responsible



government.

All is not as dark as the previous paragraph would imply, for the town has many advantages and merits. One of the principal services it performs is bringing government down to the front door of every citizen. One way the town does this is by being the agency for the state government in local affairs. Our constant contact with local government, through its policemen, property tax, highways, and water and electric systems, personalizes the legal machinery under which we live. It allows the people of each community, who are as familiar as any with their local needs, to manage their own business. The fact that the officials and agencies of authority are not far removed from the voters makes for responsible government. If, because of the hodge podge condition of local government, responsibility is not clearly defined, the remedy is reform or reorganization not scrapping the town itself.

Centralization is taking place, but just as long as the agency or officer carrying out the states enactments is locally elected and controlled, each man is assured of greater justice. For the farther away the administrating arm of the government is the less concern will be given to local peculiarities, the respect of which is an essential element of democracy. The remedy for the ignorance of the people, both native and immigrant, is education. This



thesis is based on the point that the study of a town's government in the secondary schools will be the first step in providing intelligent and responsible citizens.

Many of the defects mentioned have already been remedied by towns through reforms of one type or another. The overcrowded town-meeting has been replaced by a limited town-meeting whereby the voters elect the members of the town-meeting just as they elect the members of the Massachusetts General Court and the members of the United States Congress. Towns have adopted the town manager form of government to secure responsible administration of its affairs. Furthermore, many officials, long since useless, were dropped and others made appointive so that the ballot was greatly shortened.

The New England town is in its fourth century of development. It has proved flexible and pragmatic in the past and there is no reason for it to falter in the future. It has been the one level of government where all men can easily take an active part, and it must so remain if democracy is to have any real meaning. The purpose of this paper is, therefore, to place before the secondary school pupils of Bedford the important features of their town government so that they will have respect for and participate in its activities during their adult life.



## CHAPTER I

## TOWN ORIGINS

## A. Origins of Town Government

The origin of town government has been the subject of much controversy every since the famed Alexis de Tocqueville visited the United States in the first part of the nineteenth century. It was this French observer who pointed out for the first time the democratic character of town government, an institution the American people had up to that time taken quite for granted. Americans now began to study town government for themselves and several schools of thought developed as to the origin of towns. One of these, lead by John Stetson Barry, believed that the town government of New England was, to a great extent, a distinctive product of that area. He felt that although the Englishmen who established the New England towns carried with them a familiarity and respect for the forms of local government under which they lived in England, the environment of the New World was so different from the mother country, that for the most part, a new institution of local government arose. He wrote that

these little municipalities (towns) were in a measure, peculiar to New England; each was a sovereign within itself; each sustained a relation to the whole, analogous to that which the states of our Union hold respectively to the central power, or the constitution of the United States; and the idea of the formation of such



communities was probably derived from the parishes of England, for each (New England) town was a parish, and each, as it was incorporated, was required to contribute to the maintenance of the ministry, as the basis of its grant of municipal rights.<sup>1</sup>

Another school was lead by Herbert Baxter Adams. He had studied history in Germany where he had been caught up in the scientific movement. As a result he began the publication of the Johns Hopkins University Studies in Historical and Political Science. In one of these studies he traced the origins of town government back to the early Aryan peoples of northern Germany. He write that

town institutions were propagated in New England by old English and Germanic ideas, brought over by the Pilgrims and Puritans, and as ready to take root in the free soil of America as would Egyptian grain which had been drying in a mummy-case for thousands of years.<sup>2</sup>

Mr. Adams quoted from John Richard Green to establish his point.

In their villages (of northern Germany in the fifth century, A. D.) lay ready formed the social and political life which is round us in the England of to-day. A belt of forest or waste parted each from its fellow villages, and within this boundary or mark the 'township', as the village was then called from the 'tun' or rough fence and trench that served as its simple fortification, formed a complete and independent body, through linked by ties which were strengthening every day to the townships about it....<sup>3</sup>

The very close similarity between these three forms, the

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1. J.S. Barry, The History of Massachusetts, Vol.I, p.215.
2. H.B. Adams, "The Germanic Origin of New England Towns", p.8.
3. Ibid., p.9 (or J.R. Green, History of the English People, Vol.I, Book I, p.8.



German mark, the English town, and the New England town, are an obvious indication of a continuous development, Adams asserted. He then analyzed the colonial New England town and pointed out several features of Teutonic origin. For example,

vestiges of the old Germanic system of common fields are to be found in almost every ancient town in New England. In the town of Plymouth there are to this day some two hundred acres of Commons known as Town Lands. This tract is largely forest, where villagers sometimes help themselves to fuel in good old Teutonic fashion.<sup>4</sup>

Another theory on town origins was principally espoused by Edward Channing. He held that while tracing the town origin back to the northern German mark appeared logical, analogies were not proof. Therefore, he merely claimed that the New England town was modeled after the English parish and modified by local, ecclesiastical, and economic conditions. Channing began by stating the economic influence on the political organization,

....neither the soil nor the climate were such as tempted men to live in scattered dwellings, or to cultivate large tracts of ground; and, in fine, the 'nature and condition of the place' were favorable to concentrated settlement for purposes of trading, fishing, and manufacturing, and not for an extended cultivation of the soil.<sup>5</sup>

He went on to say that

....whatever the true historical meaning of the word

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4. Ibid., p.33.

5. E. Channing, "Town and County Government in the English Colonies of North America", p.6.



parish may be, it is reasonably certain that in England in 1600, it was used synonymously with town, and that it conveyed to the mind of the parish officer of that day very much the same ideas as did the word town, that is, it was to him a territorial distinction.<sup>6</sup>

Several features of the parish in England were similar to those of the New England town.

The town or parish was responsible for the preservation of the peace within its limits, for the maintenance of highways, for the care of the poor, and for the proper transaction of all business that was not manorial.<sup>7</sup>

The most recent systematic attempt to explain town origins by a new theory was made in 1892 by Charles Francis Adams. This was known as the "Massachusetts Charter Theory" and attempted to prove that the Massachusetts town government originated from imitating the charter under which the colony was governed. In concluding his essay Mr. Adams wrote,

in the original establishment of the governments and their progressive development to meet the increasing requirements of a growing community the analogy of the charter was closely followed. The body of freemen or inhabitants constituted the General Court of the town, subsequently called the general town-meeting; and the townsmen, later on the selectmen, were the board of assistants, or, as they would now be called, directors.<sup>8</sup>

In summing up the four main theories the author agrees with Sly that

there is probably none that supplies a single predominant "influence", although most of them contain

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6. Ibid., p.9.

7. Ibid., p.11.

8. C.F. Adams, The Genesis of the Massachusetts Town, and the Development of Town-Meeting Government, p.27.



substantial elements of truth, the error was partly in undue emphasis-the endeavor to make one motive explain the whole or a preponderant part of what must always remain a most complex and obscure development. The influence of the colony charter in shaping the local political structure is probably the least important.... serious friction between colonists and company during the early formative period....would make emulation unlikely,....9

With the forgoing discussion in mind an historical sketch of town development may be undertaken. Since the New England town was greatly influenced by the parish government of seventeenth century England, those governments preceding the parish form would also have left their mark on the American institution. It may be safely assumed that the town, as we know it today, originated in northern Europe and was carried to England by the Anglo-Saxon invaders. The beginning probably occurred when a family or clan decided to settle permanently. They chose a plot of ground and built around it a wall, fence, hedge, or trench, as the case may be, called a tun as a means of protection. As time went on to the space within the fortification came/be known as the tun or town. The inhabitants of this area were called by the family name, for example "The Marlins" or "The Billings". Soon the town also was called by these names; "in this way the home or 'ham' of the Billings was Billingham and the

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9. J.F.Sly, Town Government in Massachusetts (1620-1930), pp.66-67.



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'tun' of the Harlings was Harlington."

As these tunns became more numerous, confusion over jurisdiction necessitated establishing boundaries. The irregular parcels of land resulting from this were known as townships. This word ship is derived from the Anglo-Saxon scip, meaning shape. Therefore, a township means the shape of a town or all the land within its boundaries. As time went on the word town was not restricted to the buildings clustered together, but to the entire township, the latter term falling into disuse.

During the early Anglo-Saxon period, common ownership and cultivation of the land was the basic economic feature of the towns. Every family had the right to cultivate the common land as well as use the town's pasture if they owned <sup>11</sup> a dwelling with a plot of ground. These communities contained the bedrock of democratic living in their tun-moot or town-meeting of all freemen. While this body possessed no judicial functions, they did manage the town affairs, such as enacting by-laws (town-laws, from the Danish "by" meaning town) and electing its officers, ie. the gerefæ or <sup>12</sup> head-man, the bydel or messenger, the tithing-man or peace

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10. J.R.Green, History of the English People, Vol.I, Book I, p.10.  
 11. W.B.Guitteau, Government and Politics in the United States, pp.15-16.  
 12. Ibid., p.16.



officer, the reeve or finance officer, and the pendar or manager of the commons. They carried out the orders of the higher organs of government and sent representatives to the assemblies of the hundred (composed of several towns) and of the shire (composed of several hundreds, later called a <sup>13</sup> county).

Later, during the Norman period, the towns were known as manors, but they escaped the reorganization experienced by the higher levels of government and retained their democratic forms. With the Plantagenets came the firm establishment of the feudal manor, and the local barons began the <sup>14</sup> suppression of democratic, municipal rule. This termination of rural autonomy might have been complete but for the rise of the parish at about this time. This successor to the town was originally an ecclesiastical unit for the collection of tithes to support a church and was presided over by a priest. Its boundaries were in many cases the same as those of the town or manor, and, therefore, from 1580-1640, town and parish <sup>15</sup> were used in England as synonymous terms. This feature explains why New England towns and parishes had the same boundaries and each town was required to support a

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13. H.G.James, Local Government in the United States, pp.5-6  
 14. Ibid., p.8.  
 15. W.B.Guiteau, Government and Politics in the United States, p.16.



ministry and build a church.

The priests often championed the cause of the towns-people as against the lord of the manor, and they revived the local meetings. These were held in the church where the lord had no jurisdiction. The long struggle resulted in victory. The tradition of local self-government was preserved, since the business of the parish meeting included both ecclesiastical and civil matters. Thus the church meeting became the successor of the tun-moot of Saxon times. This assembly elected parish officers, levied local taxes, and enacted by-laws. The wardens, the chief officials of the parish, were overseers of the poor and financial officers; the constable was the executive officer for serving warrents, making arrests, and collecting taxes; and the vestry clerk, the ancestor of the New England town clerk, and numerous minor officials performed the remaining municipal functions.

The parishes continued to increase in importance as govermental units, especially after the Act of 1601 imposing upon them the duty of poor relief, and performed in addition to their former activities, functions both for the parish itself in the matter of assessments and collection of rates (taxes), highways, sanitation, burial grounds, etc., and for the central authorities as well in regard to voters' lists and other matters.<sup>17</sup>

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16. Ibid., p.16.

17. H.G. James, Local Government in the United States, p.9.

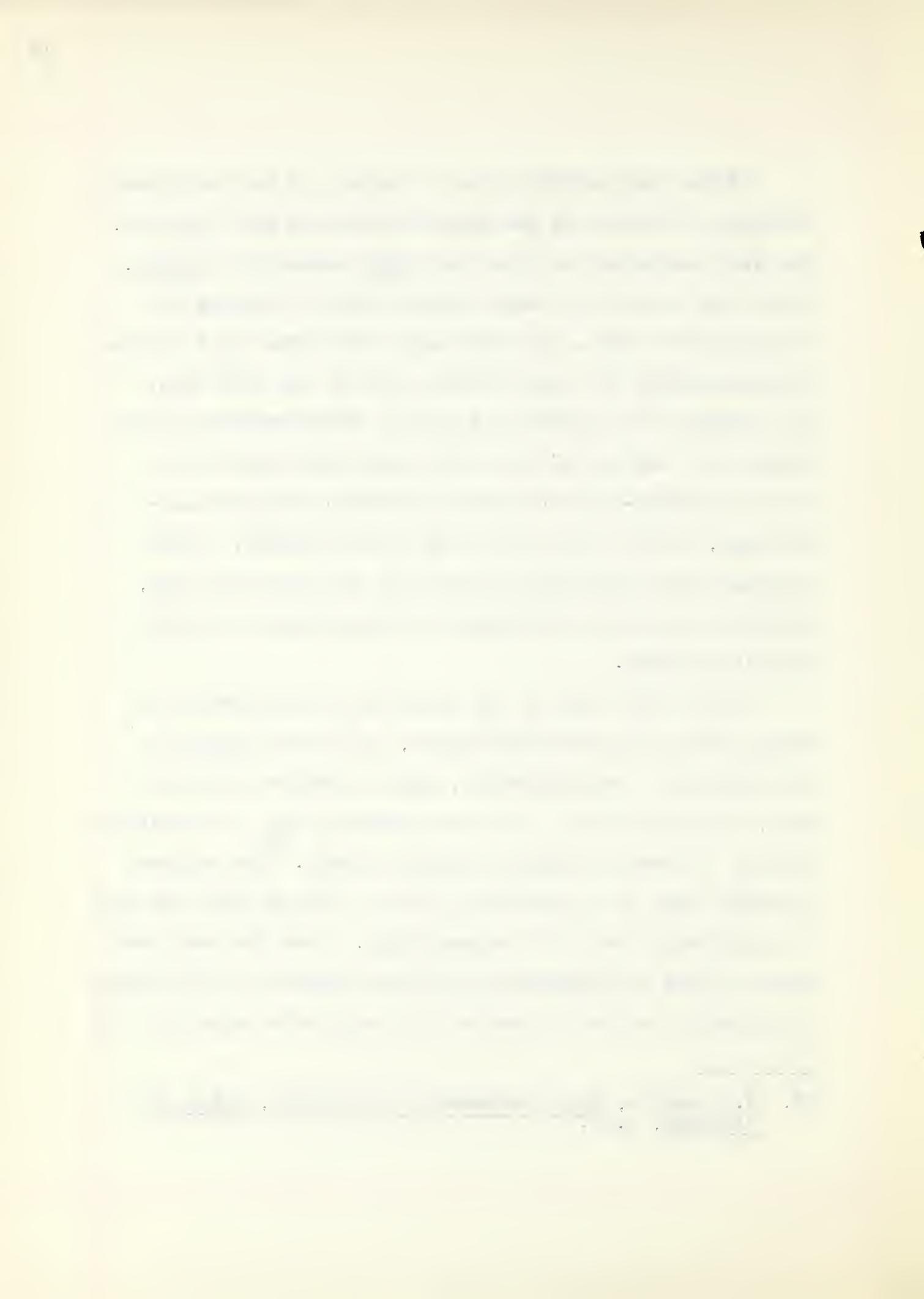


It was this parish system of England in the seventeenth century with which the New England colonists were familiar, but they preferred the older term town rather than parish, which they used in its more limited sense of meaning an ecclesiastical area. But here again the terms could be used interchangeably for they occupied one and the same area. The Pilgrims and Puritans had come to Massachusetts in congregations, and one of the first things they did was to erect a meeting-house in which to worship and hold town-meetings, as they had done in the mother country. Other congregations from England settled up and down the coast, establishing similar governments binding church and state closely together.

In the first year or two there was no distinction between local and central government, but as the population increased and new settlements, such as Concord and Billerica, were established in an ever widening area, distinctions similar to those in England began to appear. The colonial assembly began to be regarded less as a town-meeting and more as an authority over all town-meetings. Soon the Great and General Court of Massachusetts Bay was regarded as the source of authority because it granted the territorial domain of the

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18. J.A. Fairlie, Local Government in Counties, Towns and Villages, p.18.



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towns, and passed general statutes regulating town affairs.

Although the county was set up as in England, it was merely for the administration of justice and became a secondary unit in local government, unlike in the South where it was the primary unit. There were numerous conditioning factors in New England which made the town instead of the county the basic constitutional unit of government. Since the early settlements were made by church congregations, it was only natural that the people wished to be near together and worship at a common church. The economic condition of New England encouraged small, compact communities. The unnavigable rivers favored coastal settlement, the sterile soil was not suitable for the cultivation of large estates, and the severe climate drew people together for aid and comfort. Then, too, it was easier to defend a compact community than scattered families against the hostility of the Indians. Finally, the influence of tradition played a large part, for most of the settlers were townsfolk back in England.

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The general features of the New England town soon became established. It was a closely knit community, at first located only on the sea coast but gradually spreading inland.

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19. G.E.Howard, An Introduction to the Local Constitutional History of the United States, p.56.

20. W.B.Guiteau, Government and Politics in the United States, p.18.



It included all the area within the protective stockade and the surrounding cultivated fields. Within the stockade were the homes, a block-house, a school, and a metting-house. As in the German mark and the English town, home ownership entitled the family to the use of the common lands. The government was not what we call democratic today, for the suffrage was limited to those who owned property and were church members. The men who could qualify to vote were called freemen, and in town-meeting they regulated the highways, the care of the poor, the public schools, the assessment of taxes, the local militia, the election of town officers and a representative to the colonial assembly, and <sup>21</sup> the private conduct and affairs of the people.

#### B. Origins of the Town of Bedford, Massachusetts

These general features of the New England town were already well established when Bedford became the twenty-fifth town in Middlesex County, Massachusetts, by its incorporation on the twenty-third of September 1729. Bedford is bounded on the north by Billerica, on the east by Burlington and Lexington, on the south by Lexington, Lincoln and Concord, and on the west by Concord and Carlisle, the western boundary being the Concord River. It is located in about

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21. Ibid., pp.18-19.



the center of the County, fourteen miles northwest of Boston and twelve miles south of Lowell. This town, comprising 8,593 acres of land, was taken from the towns of Billerica, Concord and Lexington over a period of forty years in the eighteenth century.

It was the custom in the Massachusetts Bay colony to first obtain permission from the colonial assembly to make a new settlement, then proceed to gain a full title to the land by purchase from the Indians. On the third of September 1635<sup>22</sup> the Great and General Court granted to the Reverend Peter Buckley, Major Simon Willard, and other families, the area known as the Musketaquid village, later called Concord. On the second of November 1637<sup>23</sup> the General Court granted to Governor John Winthrop and Deputy-Governor Dudley land then known as Winthrop's Farms, which soon after became part of Concord. The settlers had purchased the land from the Indians in 1636. The new town of Concord, being rather large for those days, was divided up for administrative purposes. On the second of January 1654<sup>24</sup> the people voted a second division whereby the town was separated into three parts.

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22. N.B. Shurtleff, Records of the Governor and Company of the Massachusetts Bay in New England, Vol. I, p. 157.  
 23. H.A. Hazen, History of Billerica, P. 3.  
 24. A.E. Brown, History of Bedford, p. 6.



A portion of the eastern part later fell to Bedford. These sections possessed a great deal of local autonomy, choosing its own officers, keeping its own records, and levying its own taxes.

The Great and General Court granted Shawshine to Cambridge on the second of June 1641,<sup>25</sup> provided that a village of ten families was established there within three years. This was impractical in view of the wild state of the area so the time limit was extended to five years, and, finally,<sup>26</sup> on the seventh of March 1643-4, Cambridge was released from the obligation of making a village there. Gradually settlers established homes in the Shawshine area, but with Cambridge so far away, discontent soon arose. In a petition presented to the General Court before the twenty-third of October 1654,<sup>27</sup> the inhabitants asked to be set apart in a separate town to be called Billericay. The Great and General Court approved on the thirtieth of May 1655 and Billerica became a legal town. The Indian claims to Billerica were finally extinguished by the Wamesick Purchase on the fifth of June 1685.<sup>28</sup> With this purchase a clear title was established by the settlers to all the land that was to become part of

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25. H.A.Hazen, History of Billerica, p.6.

26. Ibid., p.8.

27. Ibid., p.18.

28. J.A.Stearns, "Bedford", p.242.



Bedford.

The north and east sections of Bedford were taken from Billerica while the west and south came from Concord. The line dividing these two areas ran a little south of The Great Road as it now appears. The issue causing the people to desire separation from the parent communities was purely religious. Travel was exceptionally difficult and the meeting-house was a good five or six miles away for most of them.

Yet the Sabbath service was so sacred and essential to a New Englander of that day, that even mothers would travel all the long distance on foot, with their babes in their arms, to hear the word of truth.<sup>29</sup>

They even tried an experiment by which they hired a minister to hold services in their neighborhood during the winter, but this did not work too well. Finally, following the custom, petitions were drawn up, signed and sent to the inhabitants of Billerica, by the settlers on that side of the proposed town, and to Concord by the settlers on the Concord side. The Concord petition, dated the first of May 1728, read in part as follows:

To the gentlemen, the Selectmen and other inhabitants of Concord, in Lawful meeting assembled: the petition of sundry of the inhabitants of the northeasterly part of the town of Concord humbly sheweth: That we, your humble petitioners, having, in conjunction with

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29. Ibid., p. 242.



the southerly part of Billerica, not without good advice and, we hope, upon religious principles, assembled in the winter past, and supported the preaching of the gospel among us, cheerfully paying in the meantime our proportion to the ministry in our towns, have very unanimously agreed to address our respective towns, to dismiss us and set us off to be a distinct township or district, if the Great and General Court or assembly shall favor such our constitution.

We, therefore, the subscribers nereunto, and your humble petitioners, do first apply to you to lead us and set us forward in so good a work, which, we trust, may be much for the glory of Christ and the spiritual benefit of ourselves and our posterity. Our distance from your place of worship is so great that we labor under insupportable difficulties in attending constantly there, as we desire to do. In the extreme difficult seasons of heat and cold we were ready to say of the Sabbath: "Behold what a weariness is it." The extraordinary expenses we are at in transporting and refreshing ourselves and families on the Sabbath has added to our burdens. This we have endured from year to year with as much patience as the nature of the case would bear, but our increasing numbers now seem to plead an exemption; and as it is in your power, so we hope it will be in your grace to relieve us.<sup>30</sup>

A similar petition was sent to the people of Billerica. A third petition was received by the Great and General Court <sup>31</sup> on the eighteenth of June 1728 repeating the petitioners grievances and requesting to be set off as a separate town. The referral of this plea to the next session caused a second petition to be sent. This time the General Court referred it to an existing committee for investigation on the twenty-ninth of July 1728.<sup>32</sup>

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30. A.E.Brown, History of Bedford, p.9.

31. Court Records, Vol.XIV, p.91.

32. J.A.Stearns, "Bedford", p.242.



Concord consented to the cession of part of her territory without objection, but Billerica strongly opposed the separation. This attitude was quite understandable, for Ancient Billerica was being dismembered by this same method in other parts of the town.

The General Court committee reported that:

After a full hearing of the pleas and allegations of all parties concerned therein, and mature consideration thereon, the committee are humbly of the opinion that the lands petitioned for, as well by the Billerica petitioners as those of Concord, and by a vote of the town of Concord, set off to and joined with the petitioners of Billerica in making a distinct township, are well accommodated for that purpose. That therefore the said lands with the inhabitants thereof be set off and erected into a separate and distinct township.<sup>33</sup>

The Great and General Court heard this report in the session beginning the twenty-eighth of August 1729 at Cambridge. It also heard a protest petition from Billerica, but this was dismissed and Bedford was incorporated on the twenty-third of September 1729 along with its twin, Westford.

The reason for choosing the name of Bedford is not certain, but it is fairly safe to assume that it was chosen in honor of the first minister of Concord, who had originally come from Bedfordshire, England. As to the name itself, there are two theories of its English origin. In either case, the name dates from the ninth century. At about this

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33. Ibid., p. 242.



time there was a military station at the present site of the town of Bedford, now the county seat of Bedfordshire, called Bedicanford, which by custom had been shortened into Bed-an-ford, meaning the Fortress-on-the-ford, for it was on the bank of the Ouse River. The other theory concerns Offa, King of Mercia, who chose this site for his burial, and whose remains were placed in a chapel on the river's edge. Since the word bede is a Saxon word for prayer on praying-place, the name Bedford might very well mean the prayer-ford or the <sup>34</sup> chapel-at-the-ford.

The Act of Incorporation was a short document consisting of a preamble and two sections. The preamble stated that the inhabitants of the northeasterly part of Concord and the southerly part of Billerica wished because of the difficulty of attending church in the present towns of Concord and Billerica, to be set up into a separate town. Then followed the statement calling the Lieutenant-Governor, the Council and the Representatives in General Court assembled to enact the following two sections of the act. The first section stated the name of the new town as Bedford, and established its boundaries. While all New England towns' boundaries are irregular in comparison to those of the western townships, Bedford's were unusually irregular prior to the straightening

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34. E.G. Porter, "The Mother Town of Bedford", p.78.



annexations of the 1750's and 1760's. The reason for this simply being that the founding fathers wanted all their land included in the new town and so the town's border followed the boundary of each farm to be included. The second section stated that the inhabitants of Bedford were

vested with the powers, privileges and immunities that the inhabitants of any of the towns of this province are or ought by law to be vested with: provided, that the said town of Bedford do, within the space of three years from the publication of this act, erect, build and finish a suitable house for the public worship of God, and procure and settle a learned orthodox minister of good conversation, and make provision for his comfortable and honourable support, and likewise provide a school to instruct their youth in writing and reading.<sup>35</sup>

Thus the political, religious and educational aspects of the town were provided for and considered interdependent by the Great and General Court of the Province of the Massachusetts Bay.

The optning passage of the Records of the Town of Bedford read:

In Council September 26, 1729, voted that Mr. Jonathan Bacon, a principal Inhabitanc of the Town of Bedford, bee and hereby is fully Impowered and Directed to assemble the Freeholders and other Inhabitanc of the Town to convene as soon as may be to elect and choose Town officers to stand untill the next anniversary meeting in March.<sup>36</sup>

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35. The Acts and Resolves, Public and Private, of the Province of the Massachusetts Bay, 1874 edition, Vol.II,  
p.527-8.

36. Bedford Town Records, Vol.A, p.1.



In accordance with this vote of the upper chamber of the Great and General Court, Jonathan Bacon called a town-meeting in the nearly completed meeting-house on the sixth of October 1729. On this occasion the voters chose the following town officers, typical of that period: a moderator, five selectmen, a town clerk, two constables, a town treasurer, two surveyors, two tithingmen, two fenceviewers, two hog reeves, a sealer of weights and measures, and two field drivers.  
<sup>37</sup>

This was the era when seven or eight town-meetings a year were the usual thing. Bedford held three meetings the first month to get the town in running order and there after it varied from five to eight meetings a year. These meetings were called as the necessity for town action arose, but they were rarely called in June, July or August, the farmer's busy season. Annual town-meetings became the established practice only in the twentieth century, and even now special town-meetings may occur any time the issues at stake cannot be put off to the annual March meeting.

Now that the town had chosen its officers, a second town-meeting was called on the thirteenth of October. At this meeting they chose a committee to "tacke dedes of the land that is for the tow(n) that is given or that is sold,"

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37. Ibid., p.1.



and a committee to see that the meeting-house is finished. Also forty pounds were raised to "Maintain preaching amongst us," and fifteen pounds raised to "defray the charges that shall be or may arise in the town."<sup>38</sup> It may be seen from this town-meeting that if there theoretically was a distinction between the members of the parish and the voters of the town, they were in fact one, the same meeting regulating both religious and political affairs.

The town-meeting of the eleventh of February 1729-30 chose Mr. Nicholas Bowes as the first minister and the town provided him with two hundred pounds for settlement<sup>39</sup> and sixteen acres of land at eight pounds per acre plus twenty-five cords of wood per year.<sup>40</sup> With the ordination of Mr. Bowes on the fifteenth of July 1730 and the organization of the church the same day, Bedford became fully organized as a municipality and as an ecclesiastical body of the Province of the Massachusetts Bay. From this day forward it appears that the church held meetings of its own, for the town records read "To See if the Town will Concur with the Church in the Dismission of the Rev. Mr. Nicholas Bowes. Voted in the affirmative,"<sup>41</sup> and the town "Voted a Concurrence with the Church

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38. Ibid., p.2.

39. Ibid., p.4.

40. Ibid., p.5.

41. Ibid., p.187.



in the Choice of Mr. Nathaniel Sherman to the Gospel Ministry; by 38 yea's." <sup>42</sup> However, since the member of both meetings were the same men and since the town-meeting had to give the final approval to church-meeting actions and vote the minister's salary, the parish and town remained for all practical purposes one and the same.

Separation between the parish and the town came about in 1831 as a result of a difference of opinion between the Unitarian and Trinitarian Congregationalists of New England. The town was divided into two parishes, The First Parish (Unitarian) and The Trinitarian Congregational Society. Consequently the town-meeting ceased to have jurisdiction over church matters. The church and the town have been distinct <sup>43</sup> and separate organizations from that time on.

The Province recognized the new town by levying taxes. Bedford not only had to pay the Province tax of 1730 but also their portion of Concord's and Billerica's tax of 1729. Added to this was the meeting-house tax and a town and minister tax. The people also paid Joseph Fassett's and Jonathan Bacon's allowance for their time spent at the Great and General Court in securing Bedford's incorporation, for the well-known special interests lobby of today was just as successful a

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42. Ibid., p.193.

43. A.E.Brown, History of Bedford, p.16.



means of securing legislation in 1729. Despite these heavy taxes, only two citizens lost courage, but their request for the abatement of their taxes was denied.

With the right to tax went the obligation to provide representation. At this time each town had the right to send a representative to the lower chamber of the Great and General Court, and Bedford began sending her outstanding citizen soon after its incorporation. This practice was continued until 1857, in which year districts composed of several towns were made the unit of representation in the House of Representatives of the General Court of Massachusetts.

The idea of liberty and freedom that we hold today is quite different from that of the founding fathers, for they understood liberty to mean resistance to governmental oppression, not participation in government by all. An idea of the requirements for voting in Bedford may be seen in the warrant for town-meeting on the fifth of March 1810. It was issued to

the freeholders and other inhabitants of said qualified to vote in town meeting, viz; such as pay, to one single tax besides the poll or pollis, a sum equal to two thirds of a single poll tax....<sup>44</sup>

In 1812 the voter was required to have an "income of ten dollars or any estate to the value of two hundred dollars.."<sup>45</sup>

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44. Bedford Town Records, Vol.C, p.38.

45. Ibid., p.57.



Gradually the idea of universal suffrage was accepted during the early twentieth century. Bedford went along with these developments so that now every individual of twenty-one years who is able to read and write and has taken the trouble to register can vote in town elections and participate in the town-meeting.

The land area of Bedford remained very much the same for about two hundred years. The only changes that occurred during this interval were minor alterations to straighten the town boundary or to include the land of a farmer who belatedly decided to join the new town. These annexations were taken from Billerica and Lexington during the mid-eighteenth century. Then in the twentieth century the Nation and the Commonwealth carved great chunks out of Bedford. A portion of land in the north center of the town was ceded to the United States for the purposes of the Veteran's Administration Facility, which organization erected a hospital there. This area was enlarged to its present size on the twenty-sixth of May 1937.<sup>45</sup> The last change occurred on the fourteenth of May 1941<sup>46</sup> when a considerable portion of the southern part of the town was ceded to the Commonwealth of Massachusetts for the establishment of an airport, later named the Laurence G.

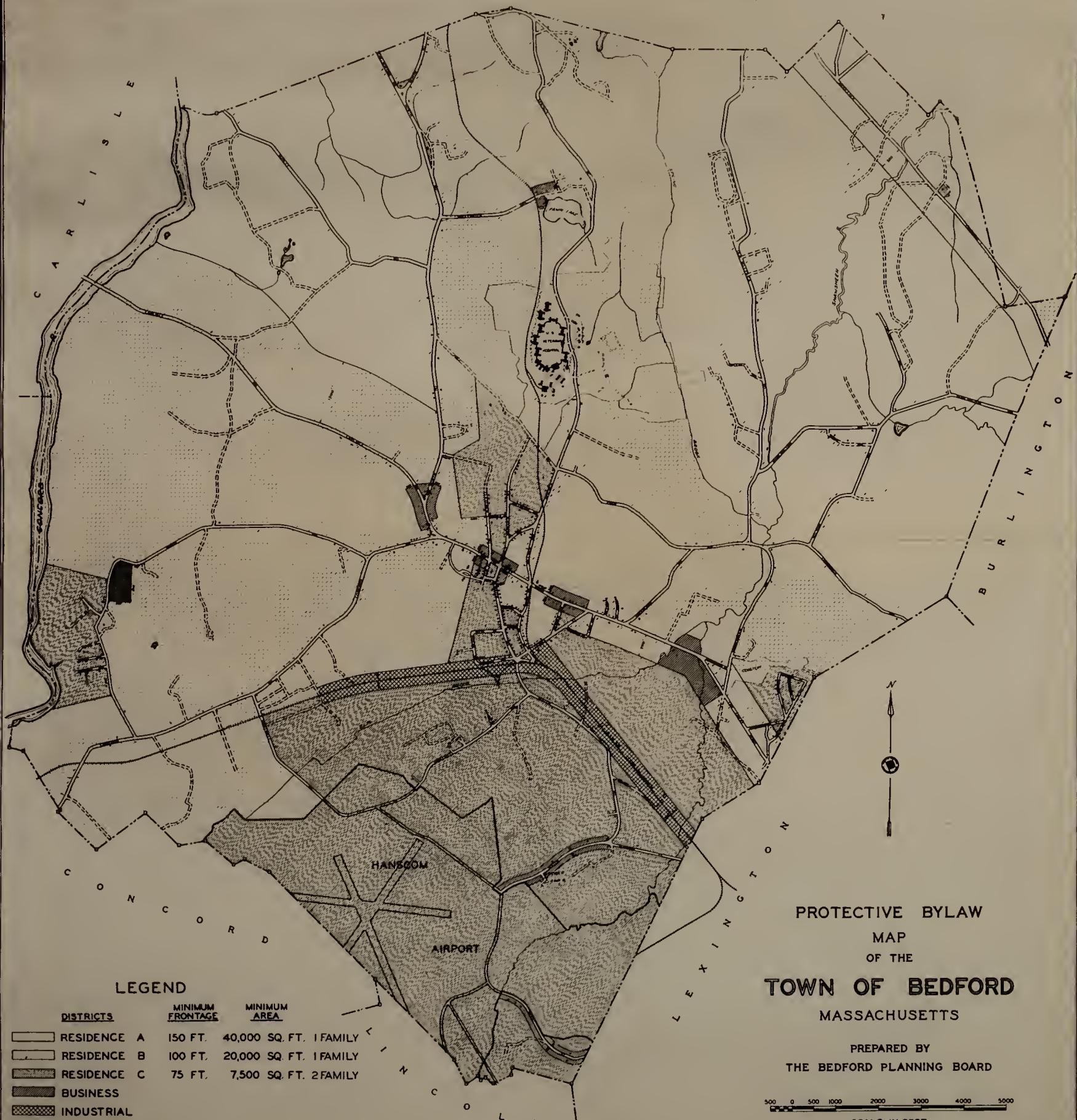
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45. Acts and Resolves Passed by the General Court of Massachusetts in the year 1937, p.410.

46. Ibid., 1941, pp.212-213.



B I L L E R I C A



LEGEND

DISTRICTS	MINIMUM FRONTAGE	MINIMUM AREA
RESIDENCE A	150 FT.	40,000 SQ. FT. 1 FAMILY
RESIDENCE B	100 FT.	20,000 SQ. FT. 1 FAMILY
RESIDENCE C	75 FT.	7,500 SQ. FT. 2 FAMILY
BUSINESS		
INDUSTRIAL		

PROTECTIVE BYLAW

MAP

OF THE

TOWN OF BEDFORD

MASSACHUSETTS

PREPARED BY  
THE BEDFORD PLANNING BOARD

500 0 500 1000 2000 3000 4000 5000

SCALE IN FEET

MARCH 1945  
ADOPTED JULY 19, 1945  
APPROVED OCT. 18, 1945  
WITH AMENDMENTS THROUGH MAY 24, 1946

BASIC MAP COMPILED FROM  
U.S. GEOLOGICAL SURVEY PLATES  
AND OTHER SOURCES

A TRUE COPY AFTER  
Robert E. Carlson  
1945



Hanscom Field. Thus, the area and jurisdiction of Bedford was established as it stands today.



## CHAPTER II

## TOWN OFFICERS

Since the Town of Bedford is a creature of the State, all its powers and duties, as exercised through its officers, are established by act of the General Court of Massachusetts. This body stipulates that certain town officers must be chosen from its registered voters by ballot. These are to be elected at the annual town-meeting when the term of office of the incumbent expires. All other officers are to be appointed by the Selectmen unless the Town votes to make a different arrangement. Under this provision, several officers were made elective which otherwise would have been appointive, and others were made appointive by boards or officers other than the Selectmen. This particular section of the law concludes by stating that women are eligible to all town offices, and in cases where a board or committee of three or more members whose terms are greater than one year<sup>1</sup> as nearly as possible, one third shall be elected annually.

If a vacancy occurs, the Town may elect another person<sup>2</sup> to the office at a special election. However, the Selectmen

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1. Tercentenary Edition of the General Laws of the Commonwealth of Massachusetts, Chapter 41, section 1, pp. 425-426.
2. Ibid., section 10, pp. 427-428.



usually appoint persons to fill vacancies for all offices except those of Selectman, Town Clerk, Treasurer, Collector of Taxes, and Auditor who must be elected. If the vacancy occurs on a board of two or more members, the remaining member or members and the Selectmen choose a person to fill the vacancy by ballot. The person elected or appointed to fill a vacancy continues in office until the next annual election, or until another is qualified.<sup>3</sup> Should the Town fail to elect Selectmen or Assessors, it must pay a fine to the County Commissioners.<sup>4</sup>

Vacancies may occur in a number of ways. The Town may fail to elect an officer, or one man may be elected to two or more incompatible offices, one or more of which must be declared vacant. An officer may become physically or mentally deficient, or die in office. If an officer is convicted for corrupt practices before three justices, his office becomes vacant.<sup>5</sup> Finally, an officer may resign by filing a resignation with the Town Clerk.<sup>6</sup>

All officers, except the Town Clerk, are sworn to the faithful performance of their duties by the the Town Clerk or by the Moderator in town-meeting. The Town Clerk is

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3. Ibid., section 11, p.428.

4. Ibid., section 4, p.426.

5. Ibid., Chapter 55, sections 36-37, pp.646-649.

6. Ibid., Chapter 41, section 109, p.451.



sworn in by the Moderator or by a Justice of the Peace. These officers begin their term, which is fixed by law, on the day after the election, or when they are qualified and exercise the same until another is qualified.<sup>7</sup>

The salary and/or compensation, if any, of all the elected officers is fixed by vote of the town-meeting. All boards and committees determine the salary and/or compensation, if any, of all officers and employees appointed or employed by them, unless the Town votes otherwise.<sup>8</sup>

The rest of the chapter contains a discussion of the town officers in which the most important powers and duties of each are mentioned.

#### A. Town Clerk

Elected for a one year term, the Town Clerk is often reelected for many years. Within ten days after his term begins and thereafter, once a year, as long as he is Town Clerk, he must give bond to the Town for the faithful performance of his duties.

The powers and duties of the Town Clerk are enormous in number, and complex in form. He has the care and custody of the town records and the town seal; he records town-meeting votes, mortgages of personal property, births, marriages,

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7. Ibid., section 107, p.450.

8. Ibid., section 108, p.451.



deaths etc.; and he issues various licenses such as those for auctioneers, dogs, billiard and pool rooms, bowling alleys, skating rinks, picnic grounds, hunting and fishing, and the handling of explosives. One of his most important duties is that of directing and printing the annual town reports. He requires all officers, committees and boards to give him an annual report and to send the Finance Committee a statement of the previous year and an estimated budget for the current year. When all the reports are in, the clerk causes them to be printed in one volume and distributes these to the voters of the Town.

In summation it may be said that the Town Clerk is the adviser and servant to all the officers, boards, committees, and citizens of the town. He coordinates the work of these officers and the four levels of government, i.e., Town, County, Commonwealth, and Nation. In this latter respect, he works very closely with the Board of Selectmen. The Town Clerk's <sup>9</sup> election duties will be discussed in Chapter III.

The three members of the Board of Selectmen are elected for three year terms, one each year, and constitute the most

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9. Ibid., Chapter 40, section 47, p.421, Chapter 41, sections 13-16, 60, 107, pp.428-450, Chapter 100, section 2, p.1186, Chapter 131, section 5, p.1620, Chapter 138, section 11, pp.1684-1685, Chapter 140, section 202, p.1754, Chapter 148, section 13, p.1848.



important officers in the Town. They serve as the chief administrators of the town and delegate their duties to the officers appointed by them, over whom they may exercise considerable control. Since they are the legal representatives of Bedford, at least one of them must be present at all hearings, court sessions, and legislative meetings in which the town has an interest. In this capacity they are aided by the Town Counsel. Among their other duties are the selling of town land, issuing of warrants, granting of various licenses, awarding of damages, and the assessing of betterments. In addition to their chairman and a janitor of the town hall, they appoint the officers discussed  
10 immediately below.

#### 1. Police Department

Originally, the Selectmen appointed a Chief of Police and other police officers annually. Later, the town voted to place the department under civil service. As a result, these officers cannot be removed without a hearing before the proper authorities, and annual appointments are no longer necessary. As it stands now, the town votes the police department appropriation and the Selectmen fix the individual salaries. If another police officer is needed, the Chief of

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10. Ibid., Chapter 40, sections 1-53, pp.401-422, Chapter 41, sections 20-23, pp.430-431.



Police includes a provision for his salary in the annual appropriation. Should this pass the town-meeting, the Selectmen appoint the man who obtained the highest number of points on the civil service examination.

The Chief of Police has control of all town property used by his department, and of all police officers who must obey his orders. The police officers prevent and suppress all disturbances and disorders in the Town, and any person refusing to obey a policeman's order may be imprisoned until he is taken before a district court or a trial justice.

Special police are annually appointed by the Selectmen and exercise the powers of a policeman under certain conditions. Their main duty is to protect private property by arresting persons guilty of trespassing, or other crimes punishable by law, when the regular officers are not present.

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## 2. Fire Department

The Selectmen appoint annually three engineers for one year. They may, for just cause, remove an engineer after seven days notice to him and a hearing. They notify the engineers to meet and choose a chief engineer, a clerk and other necessary officers.

The engineers have control over all the equipment and

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11. Ibid., Chapter 31, sections 48-49, pp.254-255, Chapter 41, sections 97-98, pp.447-448.



property in their department and have as their general duty the extinguishing of all fires deemed dangerous in the Town, except forest fires. They may demand the assistance of any capable male for suppressing the fire, and they may put down by force all tumults and disorders at a fire.

The Board of Engineers appoint the call-firemen, the number of whom is governed by the annual appropriation to the Fire Department. Anyone who wishes to become a call-fireman puts his name on a list which is discussed and voted upon by the call-firemen. They in turn present the list of men they approved of to the board, and, as an established practice, the engineers appoint only men from this list. The firemen are paid a salary for fighting regular fires and by the hour for fighting forest fires.

The Selectmen appoint a Steward of the Fire Department. This officer not only performs the functions of a janitor, but he also has the responsibility of keeping the equipment in good condition. His salary is fixed by the Selectmen and is paid out of the annual appropriation to the Fire Department.

The Forest Fire Warden is annually appointed by the Selectmen, subject to the State Forester's approval. While technically he heads a separate department, it is, for all practical purposes, the same as the Fire Department. This results from the fact that the Forest Fire Warden is, by



custom, the Chief of the Board of Engineers and he appoints the two other engineers as deputy forest fire wardens. Through this expedient the heads of the two departments are one and the same and both departments can use the call-farmen. The Forest Fire Warden has full charge of extinguishing forest fires and must make certain reports required by law to the State Forester. All expenses are paid by an annual appropriation to the Forest Fire Department. <sup>12</sup>

### 3. Registrars of Voters

The Board of Registrars of Voters consists of four members, three appointed by the Selectmen for three years, one each year, and the Town Clerk. The appointed members may not hold any other elective or appointive office in the Town.

The Registrars post notices which state the time and place of the sessions for registration. At such times they will examine, under oath, applicants for registration who must display satisfactory evidence of being able to read and write the English language and who, if they are men, have paid the poll tax for that year. The Registrars then prepare a voters list from their records of registered voters for use at all elections and town-meetings held in Bedford. <sup>13</sup>

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12. Ibid., Chapter 48, sections 8-25, 45-55, pp. 519-522, 526-527.

13. Ibid., Chapter 51, sections 15-55, pp. 550-559.



#### 4. Town Accountant

The Selectmen and all the boards, committees, heads of departments, and officers authorized to spend money must give to the Town Accountant once a month all bills, drafts and orders chargeable to the respective appropriations. The accountant examines these and if he approves, he will send a warrant to the Town Treasurer for the payment of these bills. The treasurer must have such a warrant, which is approved by the Selectmen, before he can pay money from the treasury.

The accountant, who is appointed for a term of three years, maintains a careful record of the town debt. When he discovers that an appropriation is exhausted, he notifies the responsible person or board that no claim for money will be allowed until the town makes a provision for its payment. At least once a month he will notify the responsible persons as to the balance of each appropriation.

Each board, committee, and person charged with handling money must give the accountant, at the end of the year, a statement estimating the expenditures and revenues expected during the next year for his department or office. From these reports the accountant makes a table showing the amount appropriated and amounts expended from each appropriation during the preceeding year and showing the estimated



expenses for the current year. This is the basis of his annual report. A copy of the table is sent to the Finance Committee.

#### 5. Sealer of Weights and Measures and Gauger of Liquid Measures

The Selectmen annually appoint a Sealer of Weights and Measures and a Gauger of Liquid Measures, but by custom, the same person is appointed to both posts.

He receives, and is accountable for, the preservation of the town standards and seal. Once a year, after due notice, he tests, adjusts, and seals all weights and measures brought to him for that purpose. If they do not measure up to the standards, and he is unable to adjust them, they are destroyed. He must go to the warehouses, stores, milk companies, gas pumps, etc., to test and seal their weights and measures.

The sealer receives a fee for doing this, and pays a fine if he neglects his duty. The townspeople are subject to fines for refusing to have their measures sealed and for using other than sealed measures. This officer makes an annual report to the Town.

#### 6. Building Inspector

Appointed annually, the Building Inspector's main duty

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14. Ibid., Chapter 41, sections 56-61, pp.438-439.

15. Ibid., Chapter 98, sections 37-47, pp.1180-1182.



is that of issuing building permits and renewals of building permits. This assures the Town that each new structure, addition or alteration will conform to the building laws and the zoning laws of the Town. When the inspector learns that a building is dangerous, he must inspect it. If it is, in his judgement unsafe, he directs the owner to make the necessary repairs. Once a year he make a report to the Town <sup>16</sup> describing the work he has done.

#### 7. Town Counsel

Annually, the Selectmen appoint an attorney-at-law as a Town Counsel, who is paid by the Town. He drafts all the bonds, deeds and other legal instruments and does every professional act which is required of him by vote of the Town or any bond of town officers. Any suit brought against or instituted by the town or its officers in their official capacity is handled by him. Upon the request of any town officer, the counsel is to advise them as to the scope, <sup>17</sup> powers, and duties of his office.

#### 8. Public Weighers and Measurers of Wood, Bark and Manure

Two boards were established to guarantee that goods sold in large quantities actually contained the amount ad-

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16. Ibid., Chapter 143, sections 3-6, pp.1765-1766.

17. By-Laws of the Town of Bedford, pp. 8-9.



vertised for sale. The Selectmen annually appoint five Public Weighers and three Measurers of Wood, Bark and Manure.

When bulky articles such as coal, coke, grain, sand, gravel etc. are sold by weight in the Town, or by companies in the Town, each such quantity must be weighed on sealed scales and certified by a Public Weigher. The measurers inspect all loads of woods, bark and manure brought into the Town for sale. After they measure the commodities, they sign a ticket and collect a fee from the truck driver who is repaid by the purchaser. If any of these articles is sold before it is measured, the driver is subject to a fine to be established by the Selectmen. <sup>18</sup>

#### 9. Inspector of Animals

The Inspector of Animals, appointed annually, makes regular inspections of all cattle, sheep and swine in the town. He must also inspect other domestic animals if they are known or believed to have contagious diseases, or if they have been exposed to such diseases. If, after the inspection, he believes they are free from all contagious diseases, he gives the owner a certificate of healthy condition. However, if the animals are judged to have a contagious disease, they are to be quanantined by the inspector

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18. General Laws, Chapter 94, sections 176-178, 296-303,  
pp.1129, 1163-1165.



until they are cured. This officer is also empowered to inspect the places where the animals are housed. Finally, he must keep a record of his inspections and make a report to the town, and to the state division of livestock disease control.

#### 10. Burial Agent

Appointed annually, the Burial Agent must, when requested, properly inter the body of any honorably discharged member of the armed services who died in the Town. He must also bury such a person's immediate dependants who die with insufficient funds to pay the funeral expenses. The Commonwealth reimburses the agent for such funerals and pays him a fee. Furthermore, the Burial Agent must bury persons who received aid from the Board of Public Welfare when that board so directs. The expenses of the funeral and the agent's fee are paid by the board.

#### 11. Field Driver and Pound Keeper

Appointed annually, the duties of the Field Driver and Pound Keeper have changed little in the last hundred and fifty years. These posts are usually held by the same person and are now practically honorary.

The Field Driver's duty consists of taking up horses,

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19. Ibid., Chapter 129, sections 15-25, pp.1582-1584.

20. Ibid., Chapter 115, sections 19-20, pp.1422-1423.



mules, cattle, sheep, goats, or swine which are not under the care of a keeper and are wandering in the public ways or on the common and unimproved land in the town. He then places the animals in the town pound where they will be given suitable food and water. The animals remain impounded until the owners pay the Field Driver's fees and the Pound Keeper's fees and expenses.

The Pound Keeper has charge of the town pound, into which he admits animals brought by the Field Driver or a distrainer. A distrainer is one who stops an animal from doing damage to his property. When he impounds the animals, he gives the Pound Keeper a memorandum stating the cause of impounding and claims for the damage done. The Pound Keeper will not return the animals to the owner until all fees, expenses, and claims are paid. If the owner refuses to pay or cannot be found, the animals are sold at auction and the expenses incurred are paid.

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## 12. Fence Viewers

The four Fence Viewers are annually appointed for a term of one year. Their duties, not rarely exercised, are chiefly concerned with fences that divide two properties. If a person refuses or neglects to build, rebuild or repair a partition fence, the person who wishes action to be taken

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21. Ibid., Chapter 49, sections 22-40, pp.538-541.



notifies the Fence Viewers. If, after viewing the area or fence, they judge the fence to be insufficient and/or that one is required, they tell the delinquent either to build a new fence or make the necessary repairs on the one then standing. Should he refuse to build, or repair his section of the fence, the person who complained may do so. The Fence Viewers again inspect the fence. After they decide it is sufficient, the complainant may collect, by court action, twice the cost of building of the fence and double the Fence  
22  
Viewer's fees.

### 13. Veteran's Officers

The selectmen appoint annually a Veteran's Agent and a Veteran's Service Officer both of whom generally look after the veterans of all wars in the Town.

The Veteran's Agent has charge of State Aid, Military Aid, and Soldier's Relief. The Town annually appropriates money for these services and is partly reimbursed for State and Military Aid by the Commonwealth if the aid given is approved by the commissioner of state aid and pensions. The reason for these funds is that the veteran is ineligible for public welfare aid unless he gives up his veteran's status. Since this status has advantages in other directions, the service men dislike abandoning it. Therefore, these services

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22. Ibid., Chapter 29, sections 1-20, pp.534-538.



were established to take care of them.

The Veterans Service Officer is the veteran's adviser, serving as a liaison officer between him and the state departments. This officer answers all questions and handles all requests pertaining to veterans. He also provides transportation to and from hospitals for them. Finally, he makes an annual report to the town, and his expenses are paid out of an appropriation for that purpose.

14. Superintendent of the Work for the Extermination of Moths.

The Selectmen, subject to the approval of the State Forester, annually appoint, in January, a superintendent for the suppression of gypsy and brown tail moths. Under the general direction of the forester he destroys the eggs, caterpillars, pupae and nests of these moths on town property. The superintendent or his deputies may enter private property to determine whether there are any moths etc. there. If there are he may order the owner to destroy them. Should the owner fail to do so, the Town does it instead. The cost is then paid by the owner up to one half of one percent of the assessed valuation of his land affected, and the rest is apportioned between the Town and the State.

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23. Ibid., Chapter 115, sections 1-18, pp.1412-1422.



The Selectmen authorize him to destroy the tent caterpillar, leopard moth, elm bettle and any other tree or shrub destroying pest in the town. The Commonwealth will not help pay for the extermination of these pests on private property, and the total assessment for work on private property cannot be in excess of one half of one percent established  
24 above.

#### 15. Dog Officer

The Chairman of the Board of Selectmen issues, within ten days after July first of each year, a warrant to one of the police officers directing him to kill, or cause to be killed, all dogs in the town which are not licensed and collared and to inform the dog's owner of the action taken. The Dog Officer makes a return on October first, and again at the expiration of his term of office, to the Chairman of the Selectmen. This report includes among other things, the number of dogs killed, the names of the owners, and whether  
25 all unlicensed dogs in town have been destroyed.

#### 16. Zoning Law Board of Appeals

The Selectmen appoint the five members of the Zoning Law Board of Appeals for a five year term, one each year, and they also appoint two associate members. This board may vary

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24. Ibid., Chapter 132, sections 13-26, pp.1655-1659.

25. Ibid., Chapter 140, sections 151-152, p.1742.



the application of the protective by-law, establishing building zones in the Town, when they believe that its enforcement would involve practical difficulty or unnecessary hardship and when the desired change does not substantially injure the purpose of the by-law. Any such change must have the unanimous decision of the entire membership of the board. The purpose of the two associate members is to assure that there will always be five members in the Town, which number constitutes the entire membership of the board.

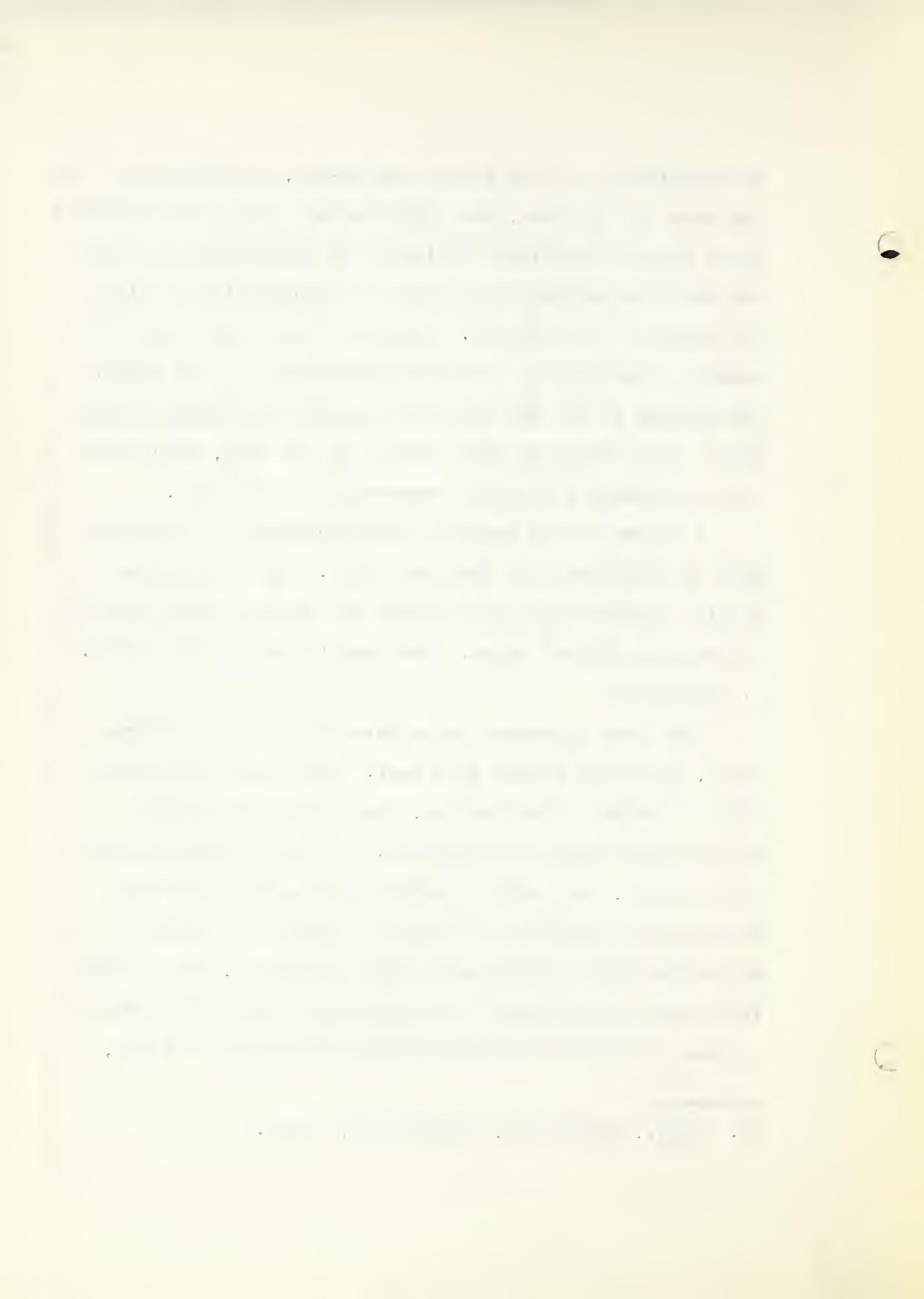
A record of the decision and proceedings of the board must be deposited with the Town Clerk. Any person who feels he will unnecessarily suffer from the decision may appeal in <sup>26</sup> the supreme judicial court. The court's decision is final.

#### C. Assessors

The three Assessors are elected for a term of three years, one being chosen each year. They receive salaries from the annual appropriation, the chairman receiving slightly more than the other two. If they fail to perform their duties, the County Commissioners may appoint three residents of Bedford as Assessors. There is a small fine for performing their duties before taking an oath, and a large fine and/or imprisonment for knowingly fixing the valuation of property greater or smaller than its fair cash value,

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26. Ibid., Chapter 40, section 27A, p.414.



and for giving an abatement otherwise than is provided by law.

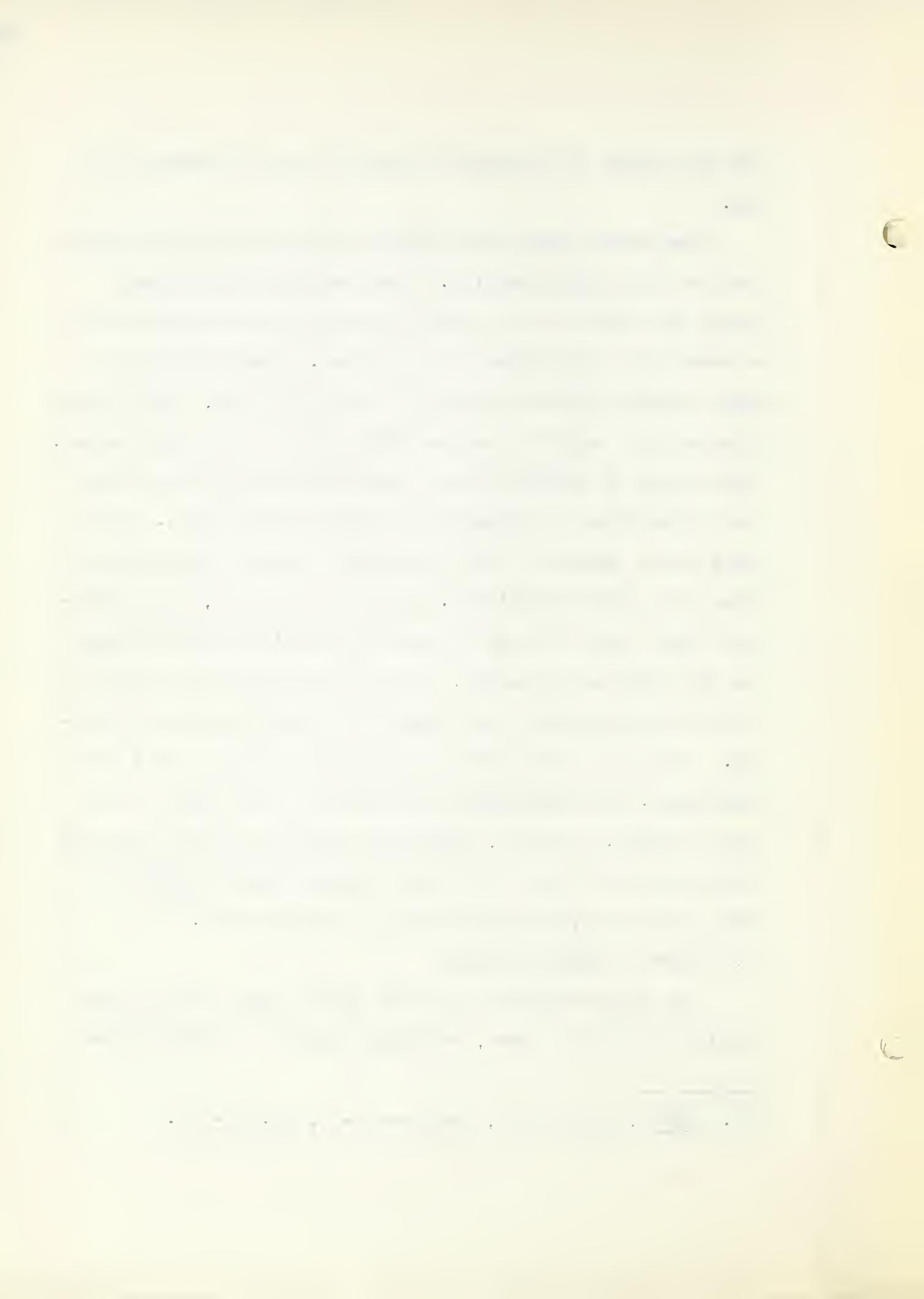
They assess real and personal property by January first for its fair cash valuation. Then the State and County levies are added to the town appropriation and indebtedness to obtain the total money to be raised. The poll tax and motor vehicle excise tax money is then deducted, these being assessed and sent to the Tax Collector in a separate warrant. This total is divided by the total assessment of the Town and a tax rate per thousand dollars is established. The rate and a report of the procedures followed are sent to the state tax commissioner. Upon his approval, the Assessors send a tax list and a warrant for collecting the taxes to the town Tax Collector. They also assess a poll tax of two dollars on every male inhabitant above the age of twenty. A tax list and warrant to collect them is sent to the collector. The Assessors may abate the poll taxes of men over seventy. Finally, they send warrants to the collector for the collection of the motor vehicle excise taxes which they receive periodically from the commonwealth.<sup>27</sup>

#### D. Board of Public Welfare

The three members of the Board of Public Welfare are elected for three years, one third annually. Within seven

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27. Ibid., Chapter 59, sections 1-56, pp.685-706.



days after the annual town election, they choose a chairman, a vice-chairman, and a clerk from their own number, all of whom receive a salary from the appropriation.

The board must keep a book which enables them to give the information required by law relative to relief applied for, and whether it was given or refused. The board is charged with the care of all poor and needy people who are lawfully settled in the town. It sees that they are suitably relieved, supported, and employed in whatever manner the town directs.

The board establishes a division thereof to be known as the Bureau of Old Age Assistance for the purpose of granting adequate assistance and service to aged persons. The bureau determines the need for financial assistance by considering the resources of the person applying and the ability of the children and others to support the aged person. If the old age assistance complies with the laws and is approved by the state Department of Public Welfare, the town will be reimbursed in part by the Commonwealth.

The state department has supervision over the work of the board in respect to persons aided and services given. For this purpose it may make rules and have access to all the records.

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28. Ibid., Chapter 41, sections 33-34, p.433, Chapter 117, Sections 1-3, p.1428, Chapter 118A, sections 2-4, p. 1437.



#### E. Town Treasurer

Elected for a one year term, the Town Treasurer must annually give bond to insure the faithful performance of his duties. The form of the bond must be approved by the state tax commissioner who also fixes the minimum amount of the bond that the Selectmen can establish.

The treasurer receives, and has charge of, all money belonging to the Town. He pays over and accounts for all this money according to the order of the Town or of its authorized officers. Upon the receipt of bills from the various departments and officers, he pays the same out of that department's annual appropriation. No other person can pay any bill of any department. Annually, he renders a true account of all his receipts and disbursements and makes a report of his offical acts.

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#### F. Tax Collector

The Tax Collector, elected annually, must receive a tax list and a warrant for collecting all taxes. Once a year he receives these from the Assessors to collect taxes on real and personal property and to collect the poll taxes. Periodically, he receives these from the Assessors for collecting motor vehicle excise taxes. The collector, after receiving the list and the warrant, sends a notice to each person on

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29. Ibid., Chapter 41, section 35, p.433.



the list. The people may either pay the collector by mail, or in person. Overdue taxes are subject to interest charges.

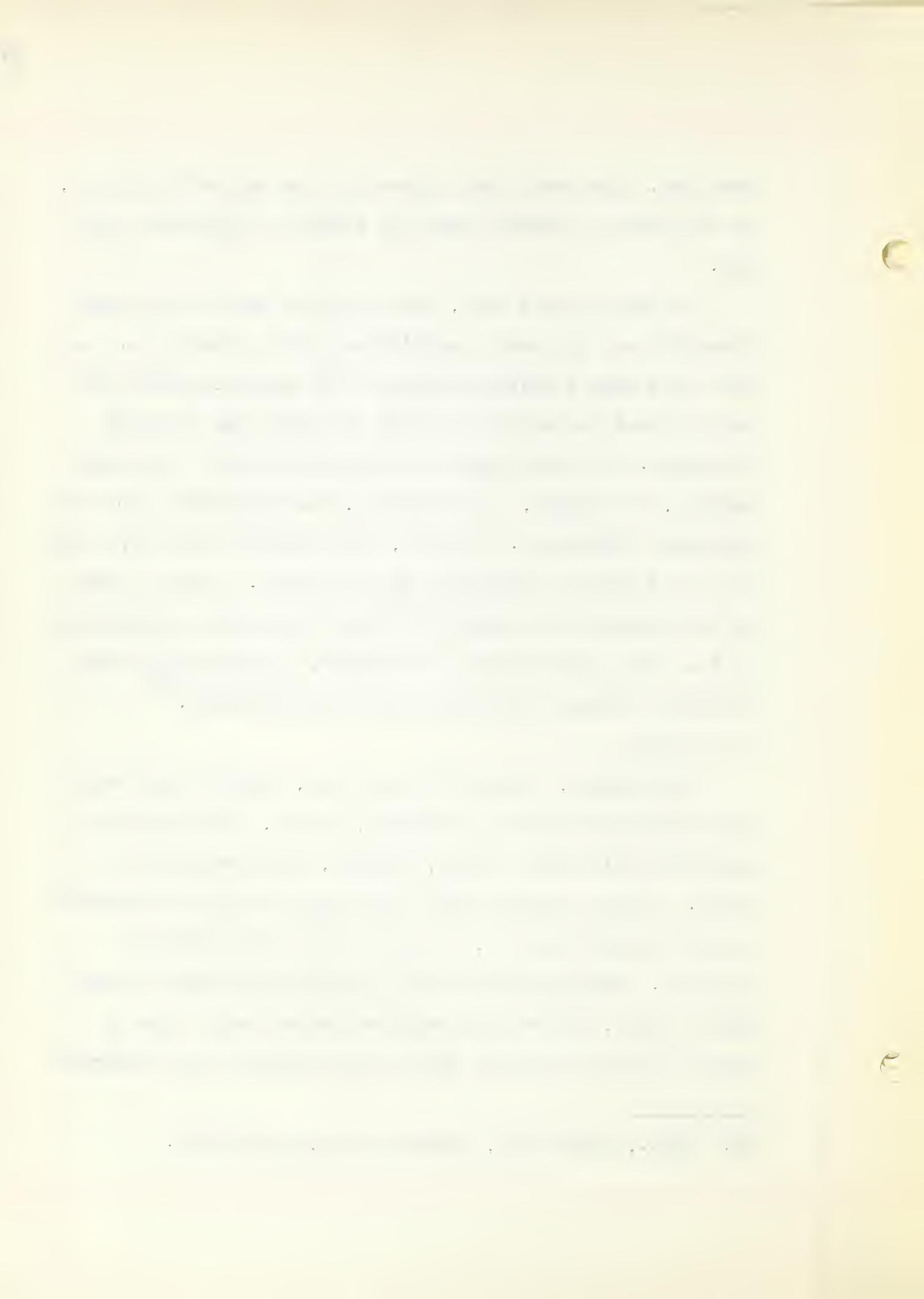
At least once a week, the collector pays to the Town Treasurer all the money he collected during that time. He must also make a written return to the town Assessors for each warrant he receives stating the taxes and interest collected. He must keep books which are open to the town Auditor, his agents, the Selectmen, and any person whom the Selectman designates. Finally, the collector must give bond for the faithful performance of his duties. This is fixed by the Selectmen but must not be less than that established by the state commissioner of taxation. The town pays the collector a salary from the annual appropriation.

#### G. Auditor

The Auditor, elected for one year, examines the books and accounts of all town officers, boards, and committees intrusted with the receipt, custody, or expenditure of money. He also examines all the original bills or vouchers on which money has been, or may be paid from the town treasury. The Auditor has free access to all these items once a month, and he must examine them at least once in every year and report in writing the result of his observa-

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30. Ibid., Chapter 60, sections 2-13, pp.716-718.



vations. At least once a year, he must verify the cash balances of each such officers, boards and committees by actual count of the cash and by reconciliation of bank balances.<sup>31</sup>

#### H. Board of Water Commissioners

The three members of the Board of Water Commissioners are elected for three years, one third each year. They appoint a chairman and a clerk, the latter receiving a salary from the annual appropriation.

The board is impowered to have a general oversight in the building, extending, repair, and upkeep of the town's water system. They fix the water rate themselves, but they have always given the town the opportunity to vote on any change in the rates at the annual town-meeting. The clerk bills and collects the water rates and turns the money over to the Town Treasurer. The rates plus the annual appropriation pay all the Water Department's expenses. They, like the other town boards, make an annual report to the Town.<sup>32</sup>

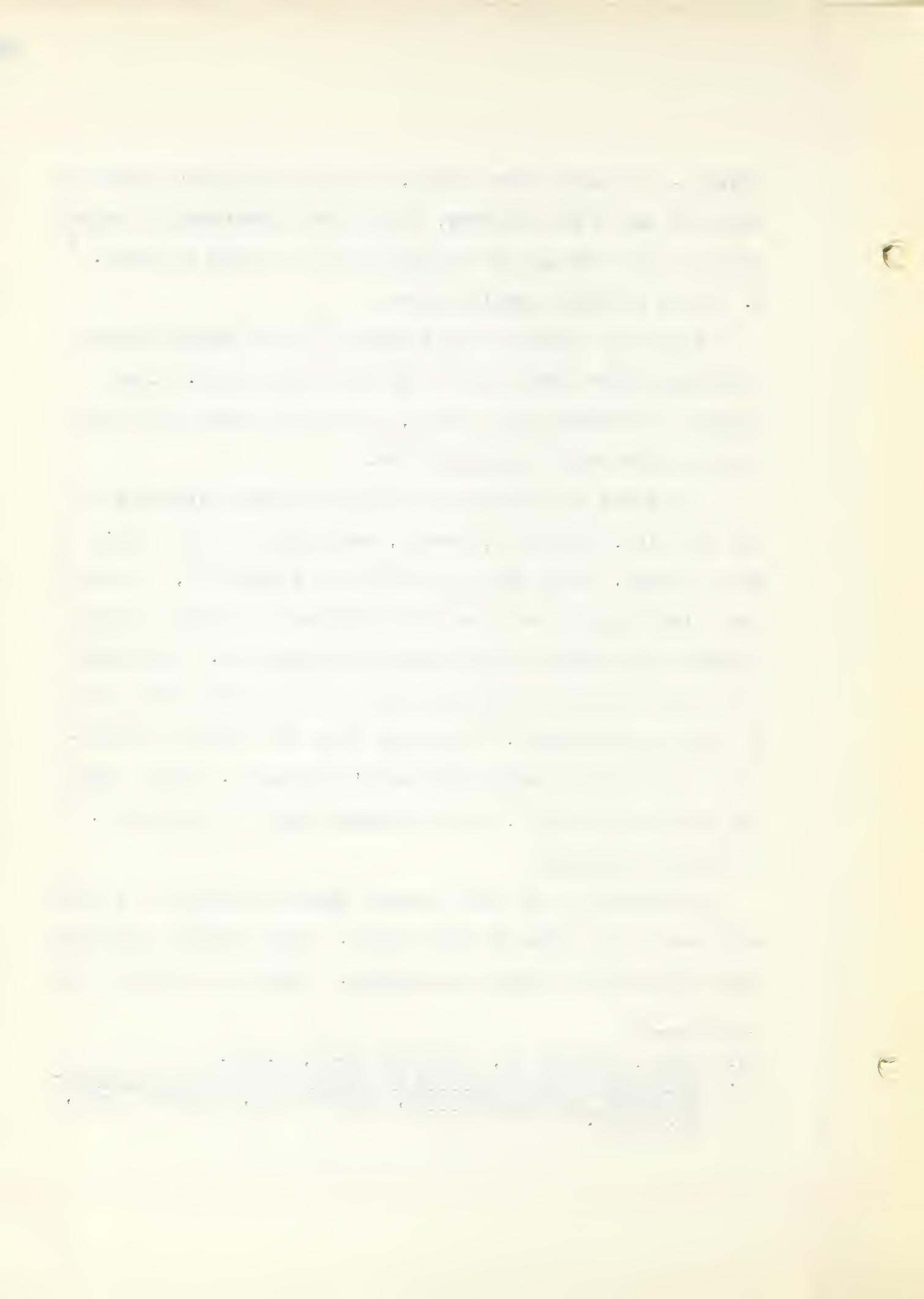
#### I. Board of Health

One third of the three member Board of Health is elected each year for a term of three years. They choose a chairman and a clerk out of their own number. The board appoints and

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31. *Ibid.*, Chapter 41, sections 49-50, p.436.

32. Acts and Resolves Passed by the General Court of Massachusetts in the Year 1907, Chapter 131, sections 1-10, pp. 90-93.



fixes the salary of the official necessary to execute the health laws and regulations. The most important of these are the Inspector of Slaughtering and the Milk Inspector, who, along with the board, must make annual reports.

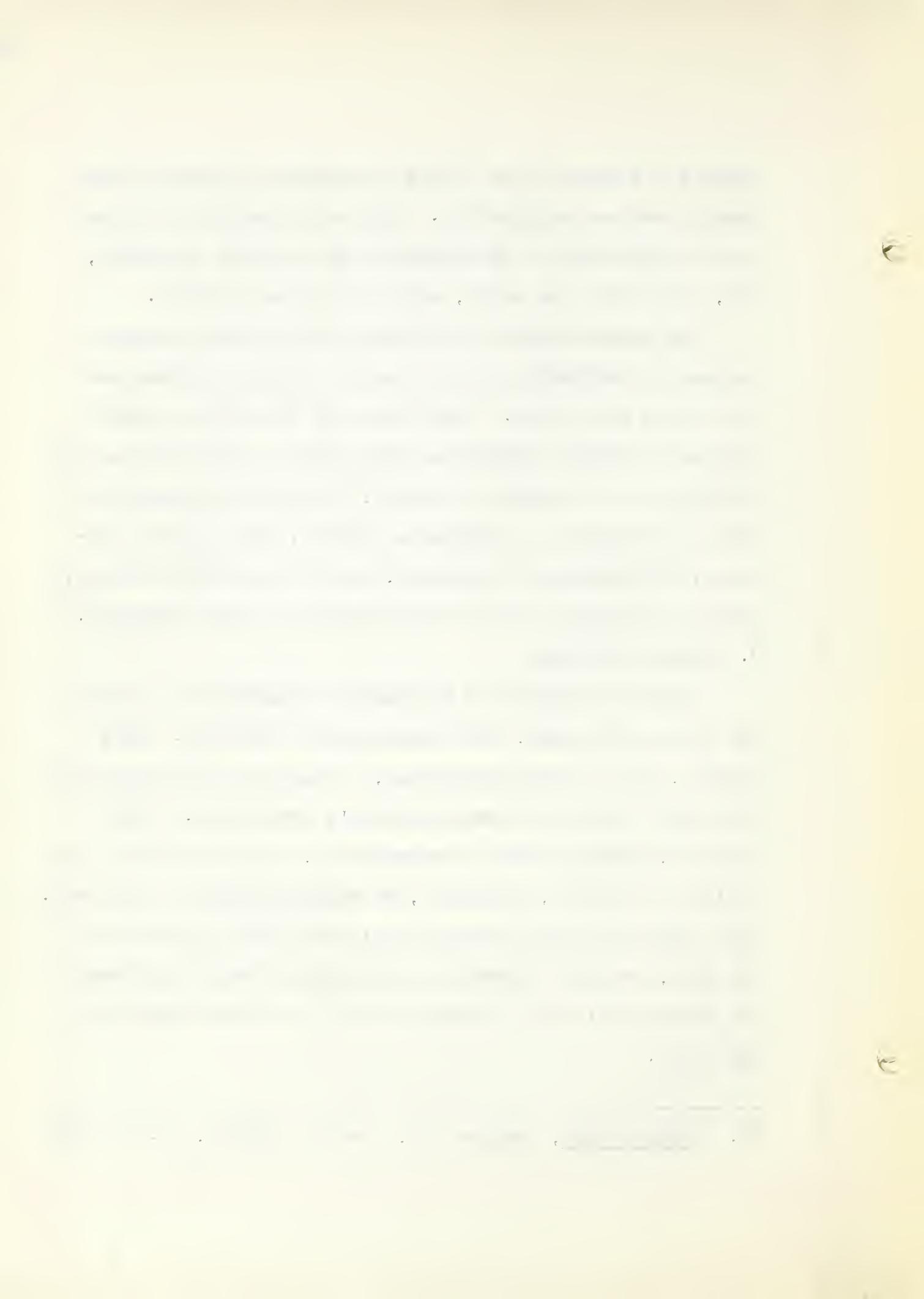
The responsibility for enforcing the state statutes concerning quarantine regulations for contagious diseases falls upon this board. They also make from time to time reasonable health regulations which must be published in the newspaper to be binding. Finally, the Board of Health controls the removal of garbage and sewage; the sanitary stations; the bakeries; the dental, medical and health clinics; the day nurseries and all things deemed a public nuisance.

#### J. School Committee

The three members of the School Committee are elected for three year terms, one being elected each year. They appoint, out of their membership, a chairman and a secretary who keeps a record of the committee's proceedings. These citizens, serving without compensation, may not hold the positions of teacher, principal, or superintendent in the Town. They have the general charge of all the public schools in the Town, and they determine the number of weeks and hours the schools will be in session within the limit required by the State.

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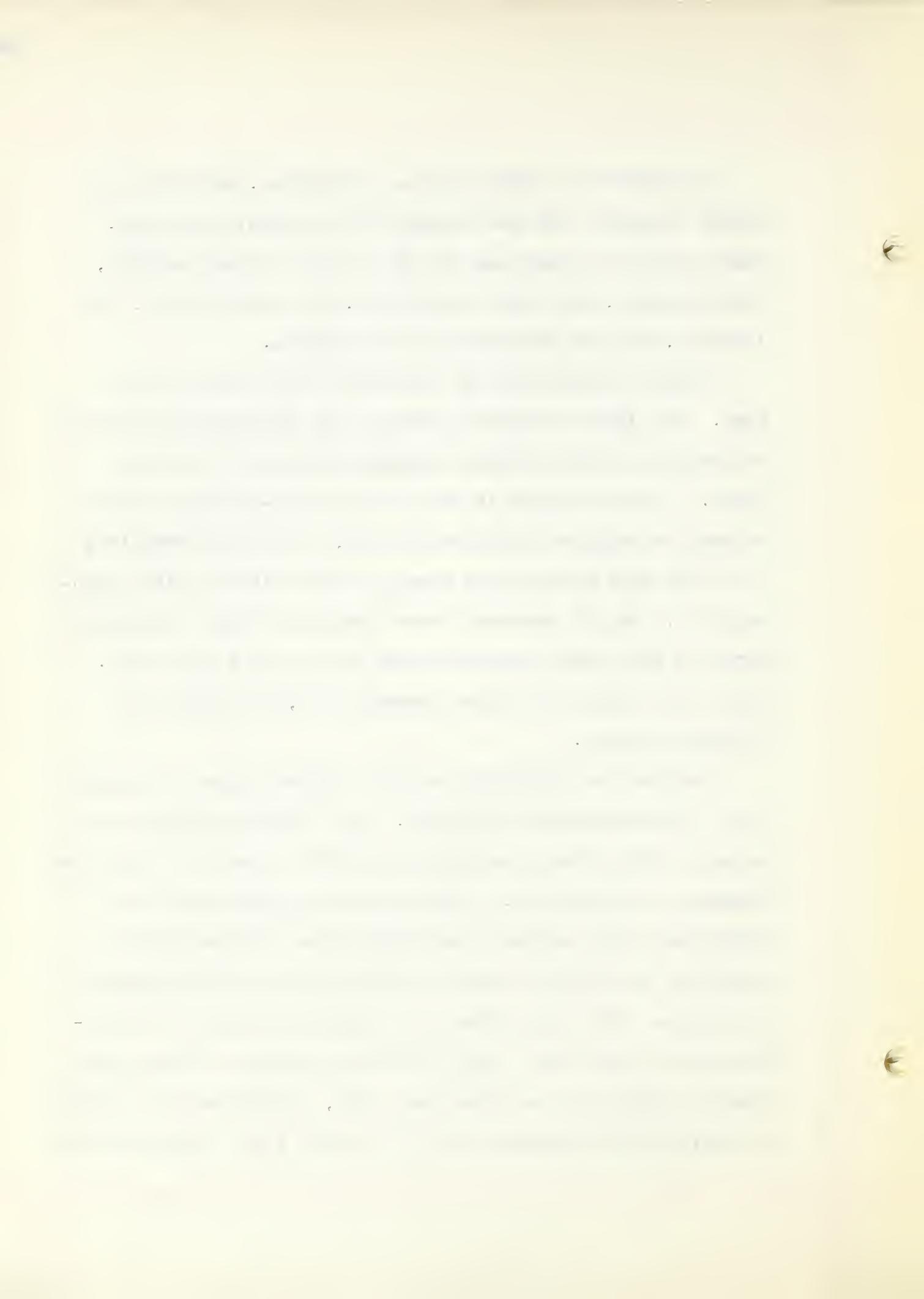
33. General Laws, Chapter III, sections 26-189, pp.1333-137



The committee regulates the attendance, buys all the school supplies, and has charge of all school buildings. They appoint or elect and fix the salary of the teachers, the principal, the school physician, the school nurse, the janitors, and the supervisor of attendance.

School finance differs from all other boards in the town. The School Committee prepares an appropriation request and sends it to the finance committee as does any other board. The difference is that if the town-meeting refuses to pass or reduces the appropriation, the School Committee can bring suit against the town in court for the full appropriation. In all previous cases the courts have decided in favor of the School Committee and forced the town to pay. While this action is seldom resorted to, it remains an effective threat.

Bedford and Lexington are in a school union for employing a superintendent of schools. This may be dissolved by a majority vote of both committees and the consent of the state Department of Education. The chairman and two members of Lexington's five member School Committee and the Bedford committee constitute a school committee for the purposes of the union. They meet annually in April and choose a chairman and a secretary. This committee employs a superintendent of schools for a three year term, determines the amount of service to be rendered by him in each town, and fixes his



salary. He may be removed, with the consent of the state department, by a two-thirds vote of the full membership of the union committee.

The superintendent is the executive officer of the committees. Under their direction, he has the care and supervision of the public schools, he assists the committees in making their records, accounts and such reports as the law requires, and he recommends to the committees teachers, <sup>34</sup> textbooks, and courses of study.

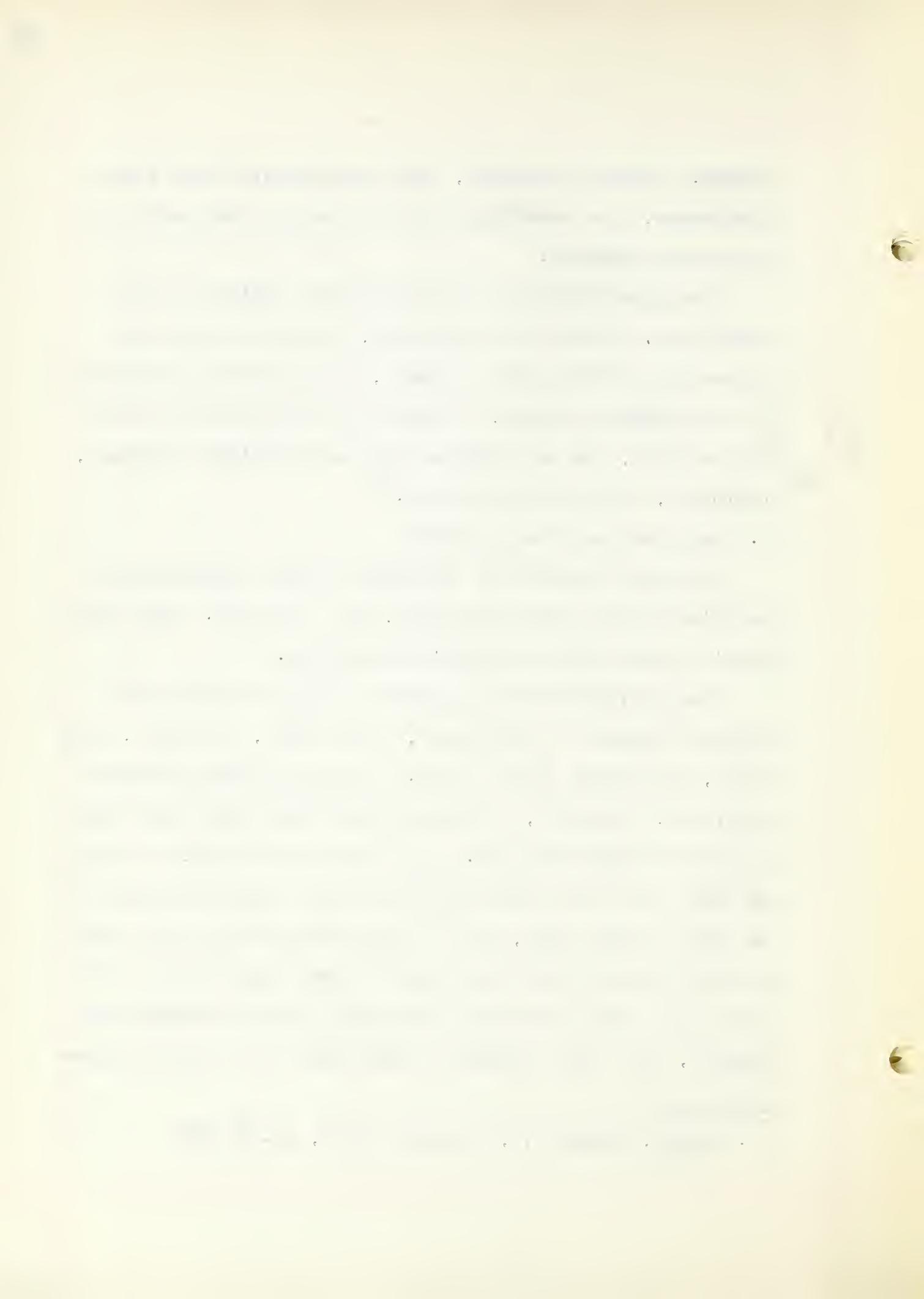
#### K. Board of Road Commissioners

The three members of the Board of Road Commissioners are elected for three year terms, one each year. The chairman is chosen from the board's membership.

They have exclusive control of the maintainance and ordinary repair of public ways, guide posts, sidewalks, shade trees, and drains of the town. They may remove whatever obstructs, endangers, or hinders travel on public ways such as fallen timber and snow. The board may layout, relocate or alter town and private ways and order specific repairs to be made on these ways, but no such change can be made until all measurements are filed with the Town Clerk and not less than seven days thereafter is accepted by the town-meeting. Finally, they send a notice to the people assessed for high-

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34. Ibid., Chapter 71, sections 36-63, pp.862-867.



way or town way construction or improvement.

The board appoints a superintendent of streets for one year and he may be removed when the public interest requires it. Under the direction of the board, he has full charge of all repairs and labor upon the public ways, sidewalks and drains.

#### L. Moderator-Finance Committee

The duties of the Moderator, elected for a term of one year, will be discussed in Chapter III. He appoints the nine members of the Finance Committee for a term of three years, one third each year. The Chairman of the Board of Selectmen and the Chairman of the Board of Assessors are members ex-officio. They choose a chairman and a clerk from their own number.

This committee considers all municipal questions that involves the receipt or expenditure of money and makes a report to the town. Each article in the warrant is described in the following manner:- 1. the department of town government it falls under, 2. the amount of the previous year's appropriation, 3. what was expended from this appropriation, 4. the balance on hand at the end of the year, 5. the appropriation asked for the current year, 6. the amount the

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35. Ibid., Chapter 41, sections 64-68, pp.440-441, Chapter 82, sections 21-23, p.944, Chapter 84, section 7, p.957



Finance Committee approved, and 7. remarks stating, among other things, what the appropriation includes such as salaries etc, or why the committee did not approve of the whole or a part of the article.

While the recommendations of the Finance Committee carry a great deal of weight, they are not necessarily followed by the townspeople. However, this service does help the citizen who is not fully acquainted with the complex problem of town finance to vote more intelligently at town-  
<sup>36</sup> meeting.

#### M. Trustees of the Bedford Free Public Library Corporation

The Town elects by ballot four trustees of the library for a term of four years, one being elected each year. These four officers and the pastors of the three Bedford churches constitute the Board of Trustees. The board chooses annually a chairman, a secretary and a treasurer.

They have the custody and management of the library. All money raised or appropriated by the Town for the support and maintainance of the library is spent by the board, and all money or property which the Town may receive by gift or bequest for the library is administered by the board in accordance with the provisions of the gift or bequest. The Town usually appropriates the money received from the County

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36. Ibid., Chapter 39, section 16, p.398.



on account of dog licenses for the library.

The Treasurer of the board makes an annual report to the town of the receipts, expenditures and trust funds in the board's care. The board appoints and fixes the salary of the Librarian and the Assistant Librarian.<sup>37</sup>

#### N. Shawsheen Cemetery Committee

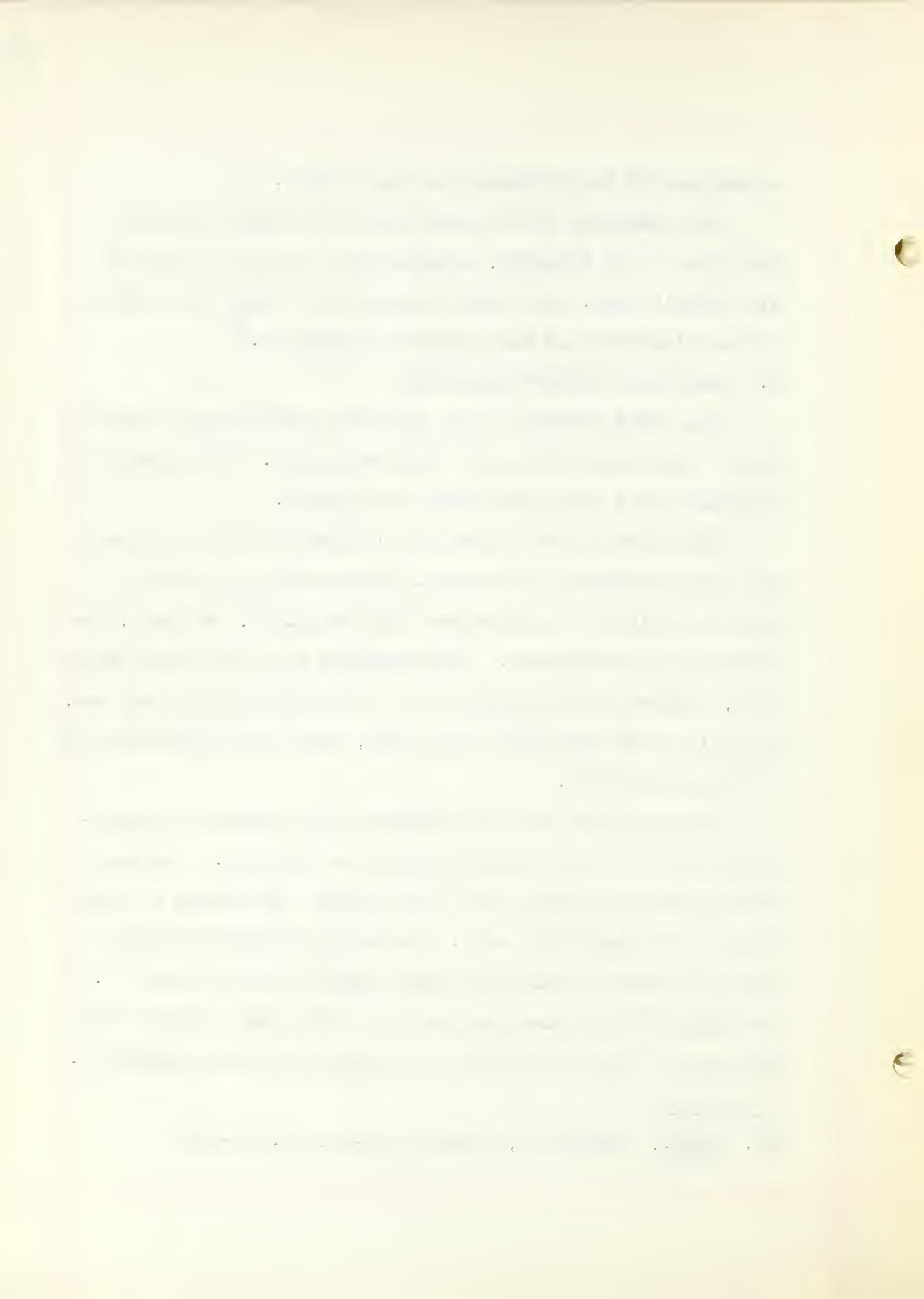
The three members of the cemetery committee are elected for a three year term, one third each year. They choose a chairman and a clerk from their own number.

They have the sole care and management of the two public burial grounds in the town. They layout the burial grounds in lots with paths and they may plant, ornament, and fence in the cemeteries. The committee may also erect buildings, make such improvements as it considers convenient and, subject to the approval of the town, make such regulations as it deems expedient.

The committee by deed conveys to any person the exclusive right of burial in any lot in the cemetery. The committee members receive gifts from people who desire to place their lot in perpetual care. The money received from the latter is turned over to the Town Treasurer who invest it. The appropriation from the Town plus the money received from the sale of the lots is used to maintain the two cemeteries.

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37. Ibid., Chapter 70, sections 10-12, pp.899-900.



The committee appoints a superintendent and an assistant superintendent under whom the committee's work is carried out. The Superintendent and the committee each make an annual report to town.<sup>38</sup>

#### O. Constables

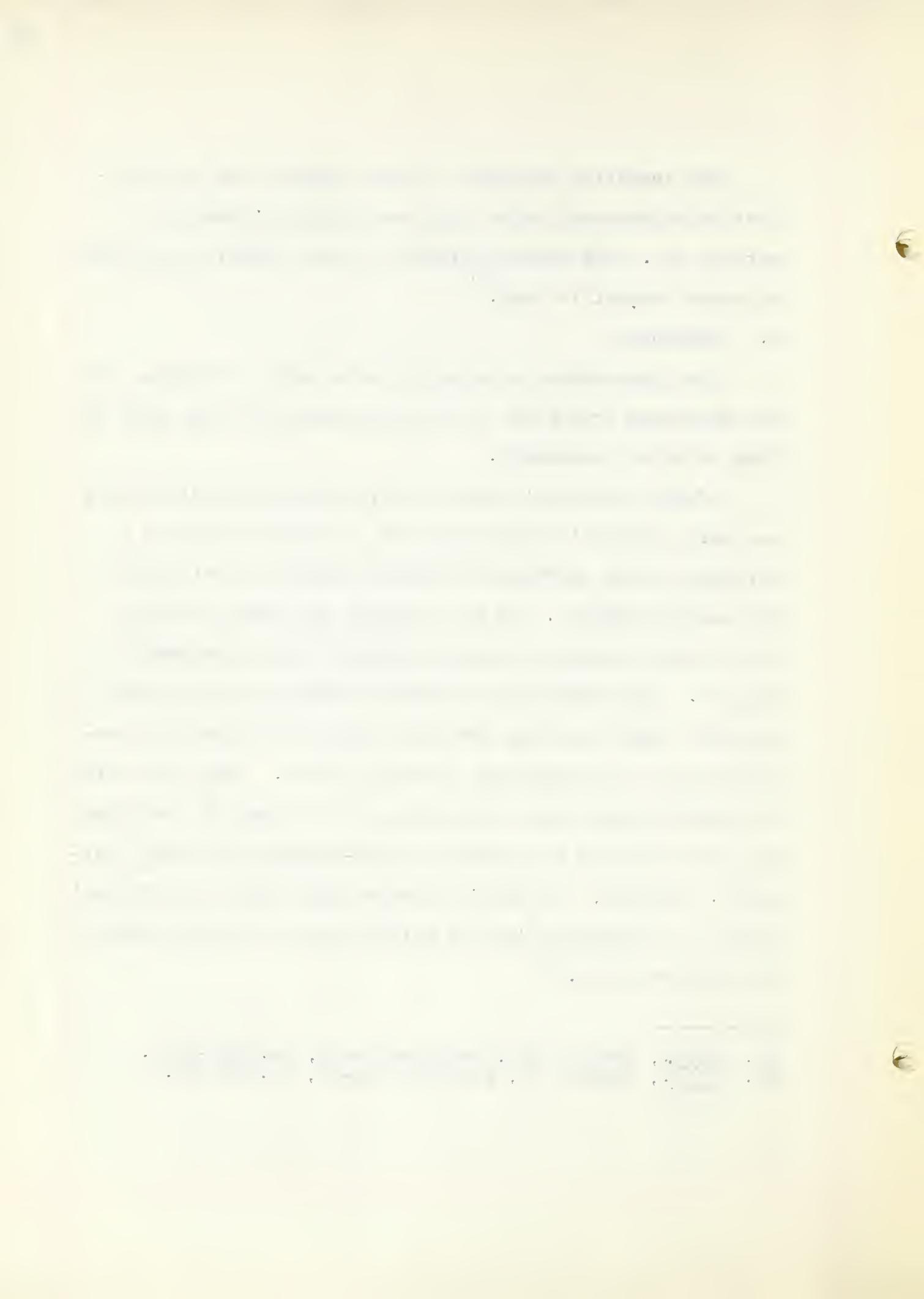
Five Constables are elected for a term of one year and the Selectmen from time to time may appoint as many more as they think are necessary.

If the Constable's bond is for one thousand dollars he can serve within the town any writ or other process in a personal action provided the damages claimed do not exceed two hundred dollars. If he is bonded for three thousand dollars the claims must not be greater than three hundred dollars. The Constables can serve warrants and processes in criminal cases and they have the powers of a sheriff to require aid in the execution of their duties. They also serve the warrants and other processes given to them by the Selectmen for notifying the people of town-meetings and other purposes. Finally, the Chief of Police may detail a sufficient number of Constables for the polling-place at every election to preserve order.<sup>39</sup>

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38. Ibid., Chapter 114, sections 22-27, pp.1404-1405.

39. Ibid., Chapter 41, sections 91A-95, pp.446-447.



P. Tree Warden

The Tree Warden is elected by ballot for a term of one year and receives a salary from the annual appropriation to his department. He may appoint and remove deputy tree wardens at will.

The warden has the care and control of all the public shade trees, shrubs, and growth in the Town except those within a state highway and those under the jurisdiction of the Park Commissioners. He make regulations for the preservation of the trees under his care and establishes fines for violating them. The warden may not cut and remove a public shade tree, or issue a permit to do the same, until a public hearing is held. If one or more persons object in writing to the removal at or before the hearing, the warden may not remove the tree unless the removal is approved by the Selectmen. Finally, he must make an annual report to

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the Town.

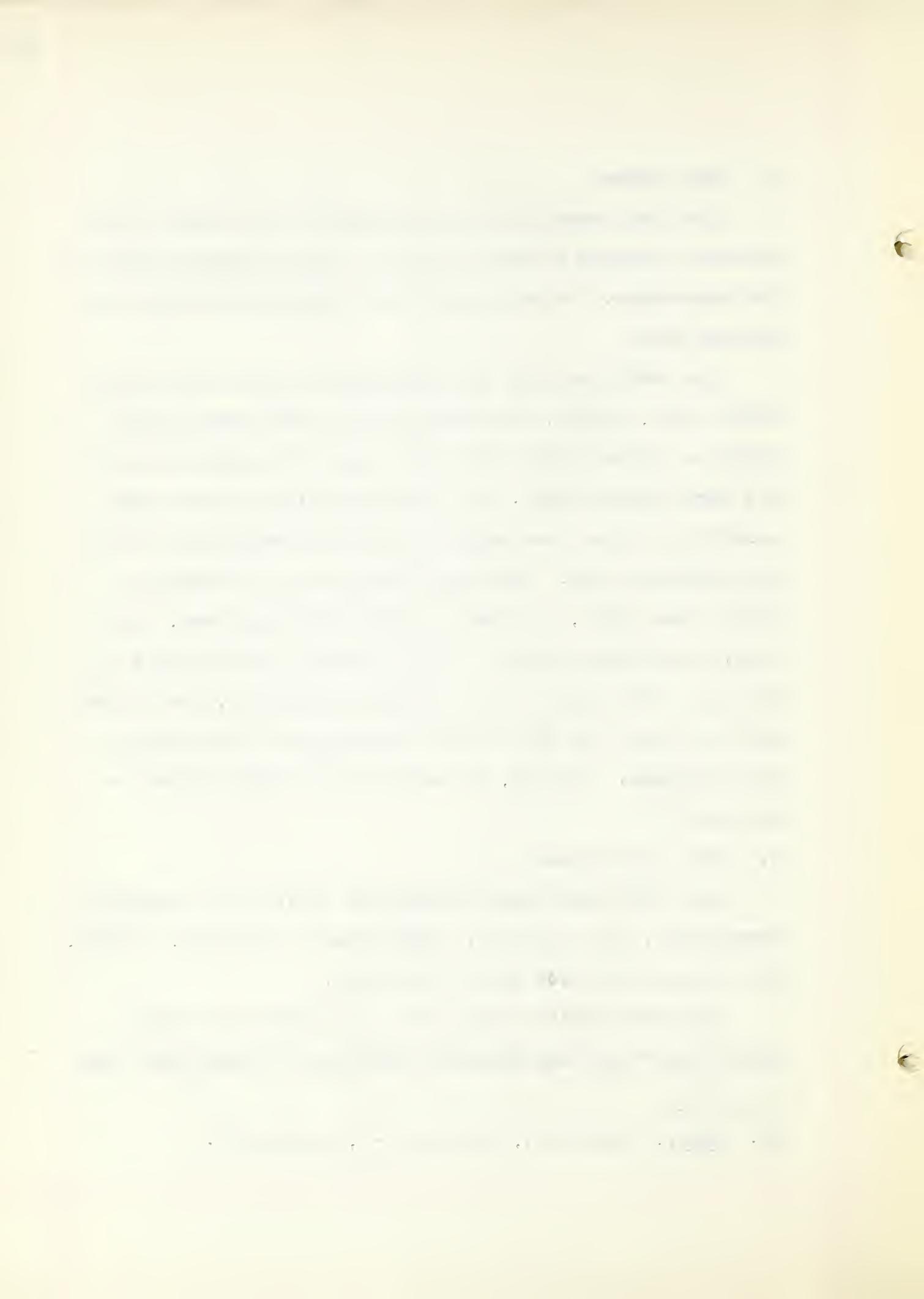
Q. Park Commissioners

The three Park Commissioners are elected for a term of three years, one each year. They choose a chairman, a clerk, and a supervisor from their own number.

The Park Commissioners layout and improve the towns public parks and play grounds, make rules for their use and

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40. Ibid., Chapter 07, sections 2-5, pp.975-976.



government, and appoint all necessary officers. They have the powers and duties of the Selectmen, Road Commissioners, and Tree Warden in the places under their jurisdiction. At this time the Park Commissioners are responsible for the maintenance of Wilson Park and Page Field. Finally, they make an annual report stating how their appropriation was expended. <sup>41</sup>

#### R. Planning Board

The five members of the Planning Board are elected for a term of five years, one fifth being elected each year.

This board makes a careful study of the resources, possibilities, and needs of the town, paying particular concern to the conditions that are bad for public health. They then make definite plans for the development of the Town. One of the prime concerns of the board is the proper housing of the townspeople and in this respect the board members work closely with the Bedford Housing Authority. Lastly, the board makes an annual report of the condition of the Town, any plans or proposals for its development, and the estimated loss of these developments. A copy of this report is sent to the state <sup>42</sup> Department of Public Welfare.

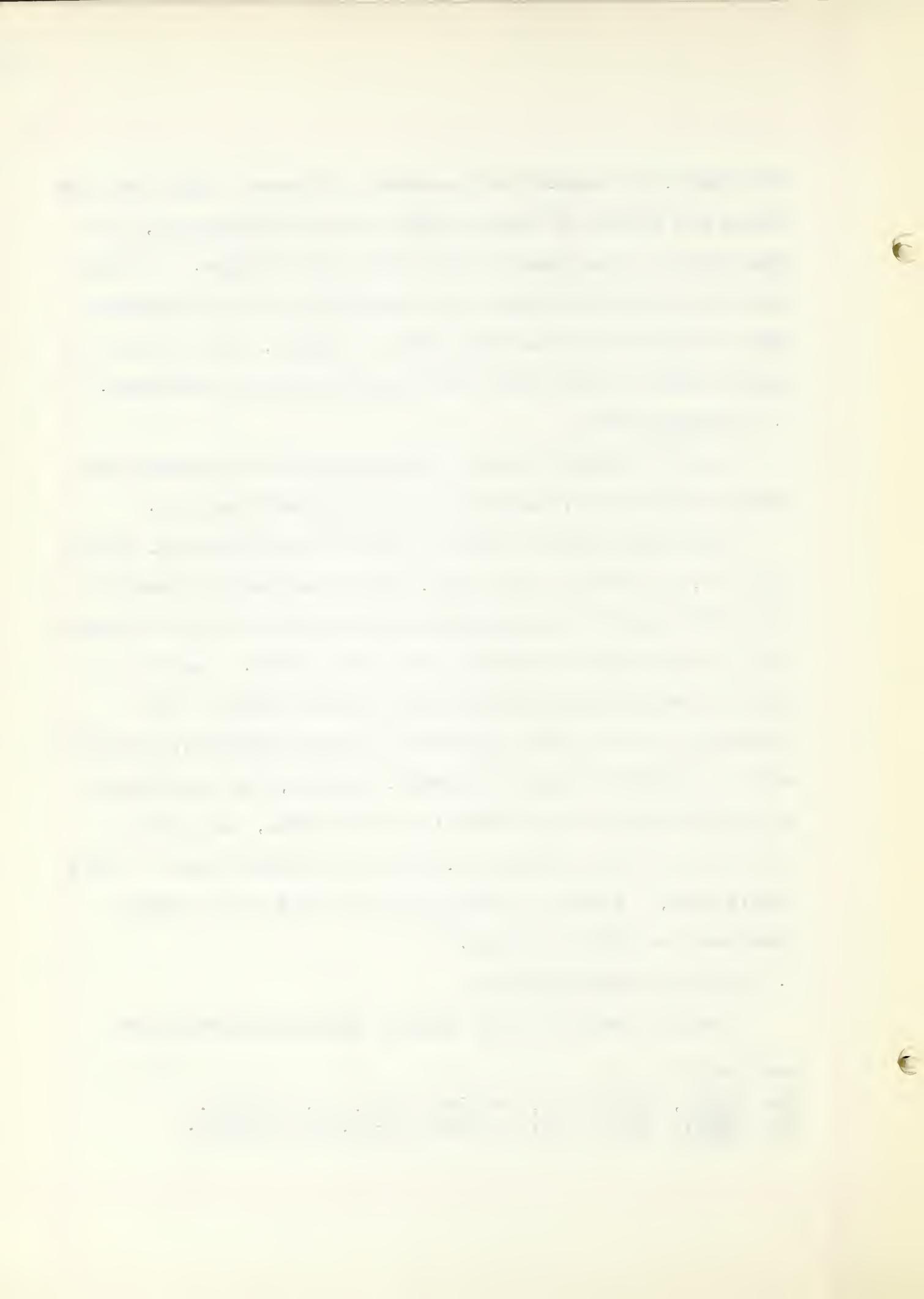
#### S. Bedford Housing Authority

The five members of the Bedford Housing Authority are

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41. Ibid., Chapter 45, sections 2-14, pp. 502-505.

42. Ibid., Chapter 41, sections 70-72, pp. 441-442.



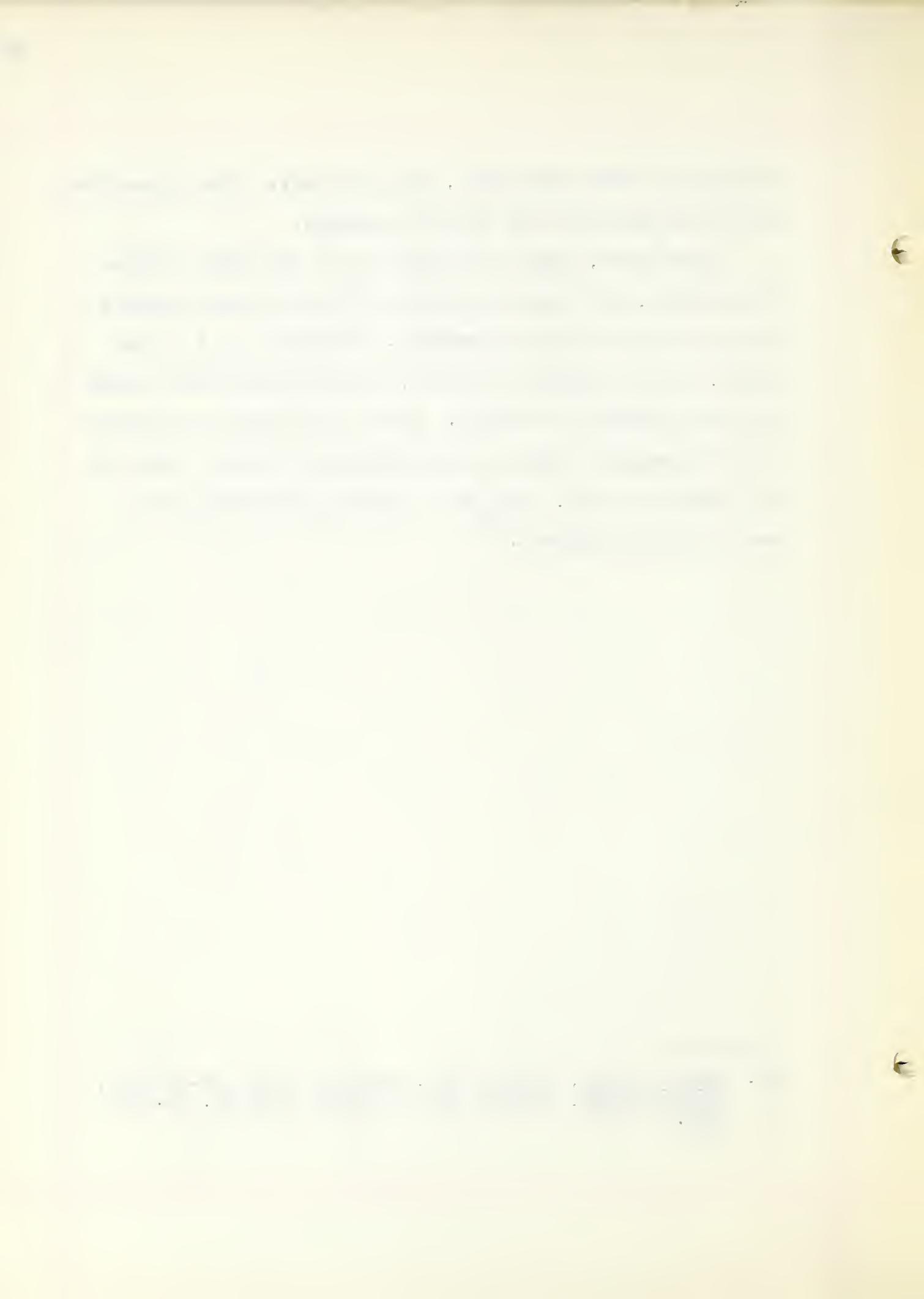
elected for five year terms, one each year. They choose the necessary officers from their own number.

This board, under the direction of the state housing authorities, has complete charge of the veteran's housing project to be erected in Bedford. They will put in the roads, and the public utilities, and erect and rent living units to Bedford's veterans. These units may be purchased by the occupants after a certain length of time. When all the units are sold, this most recently established town board will be dissolved.

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43. Acts of 1946, Chapter 372, sections 1-11, pp.380-386,  
Acts of 1948, Chapter 200, sections 1-26 qq, pp.195-200.



## CHAPTER III

## TOWN-MEETING

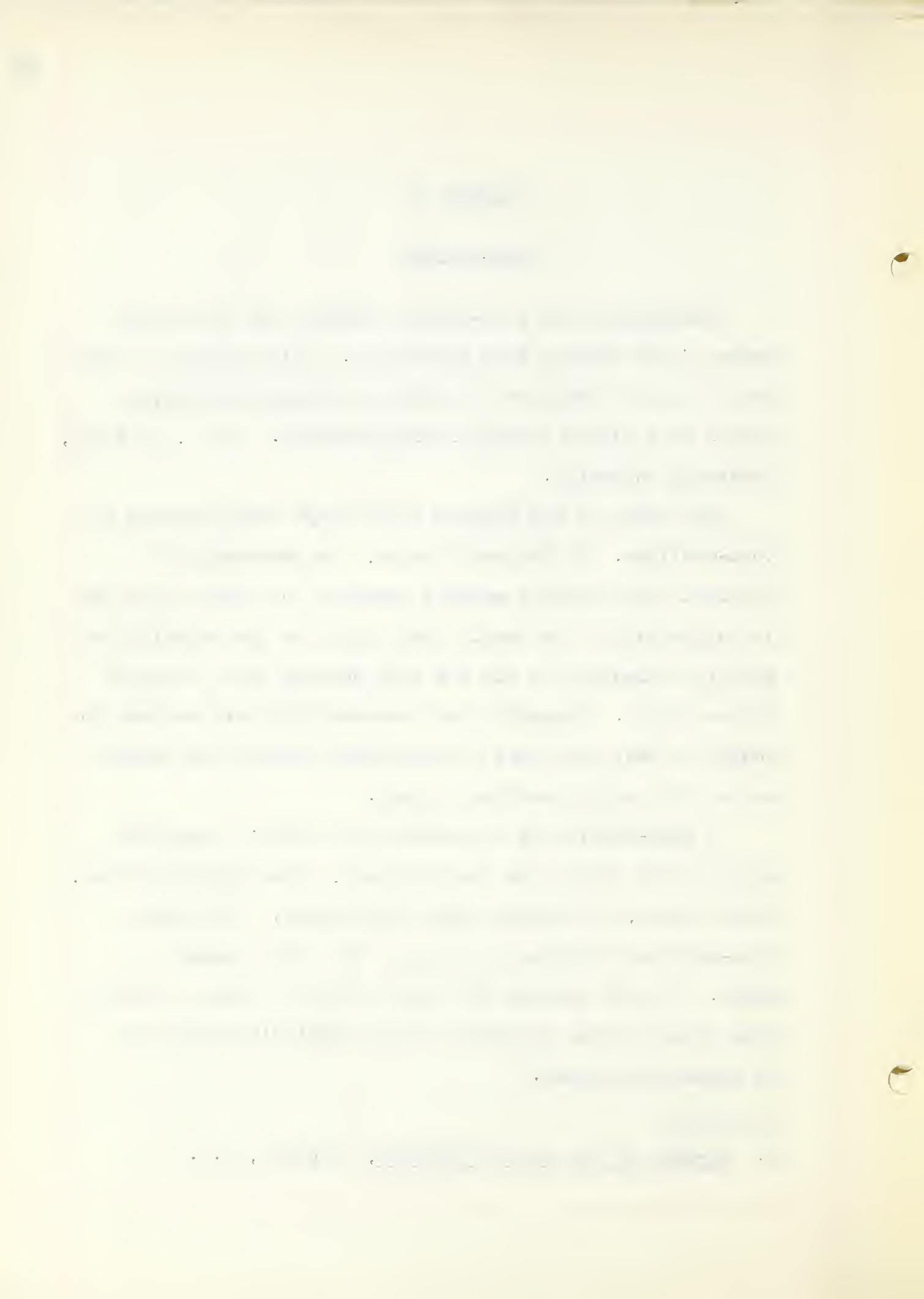
Undoubtedly the town-meeting remains the best known phase of New England town government. This meeting is today one of the few examples of citizens governing themselves rather than acting through representatives. It is, in truth, democracy in action.

The towns of New England have always been governed by town-meetings. In the early years, the Massachusetts colonists held regular monthly meetings, but this proved to be impractical. The people then turned to the expedient of electing selectmen to run the town between less frequent town-meetings. Gradually the town-meetings were reduced in number so that now there is one annual meeting and perhaps one or two special meetings a year.

A town-meeting is an assembly of a town's qualified voters which elects the town officers, makes appropriations, levies taxes, and passes local legislation. The annual town-meeting of Bedford is held on the first Monday in March. At this meeting the voters elect the town officers from those persons nominated by the Citizen's Caucus or by nomination papers.

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1. By-Laws of the Town of Bedford, section 1, p.3.

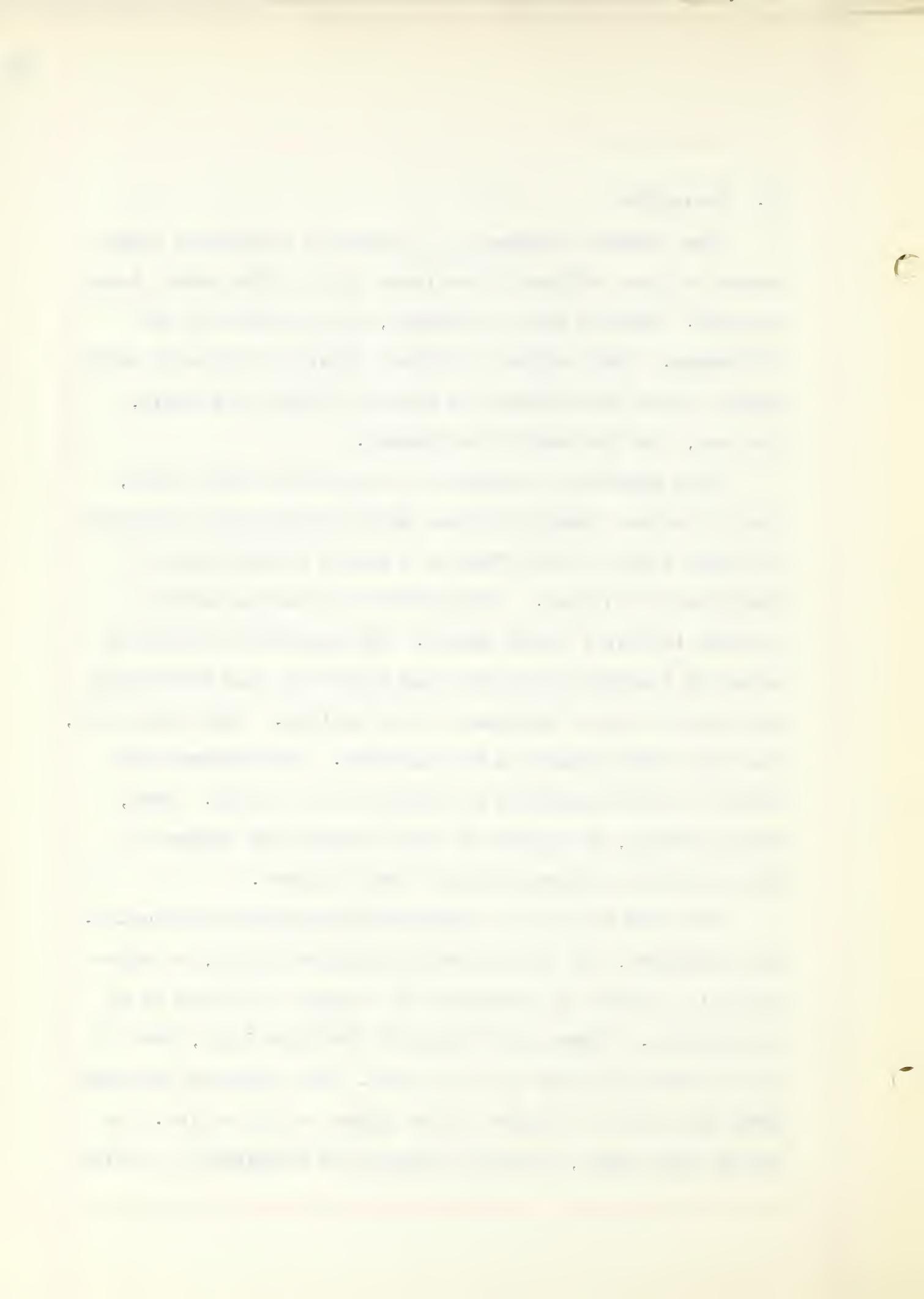


#### A. Nomination

The Citizen's Caucus is a means of nominating candidates for town offices to be voted upon at the annual town-meeting. Usually held in January, it is called by the Selectmen. They publish a notice twice in the local newspapers seven days before the meeting stating the place, the day, and the hour of the caucus.

This meeting is attended by registered voters only, that is those people who have been examined and registered as legal voters of the Town by a member of the Board of Registrars of Voters. Twenty-five such people must be present to have a legal caucus. The meeting is called to order by the Town Clerk who then calls for the nomination and election of a chairman of the meeting. This being done, the Town Clerk swears in the Chairman. The Chairman now calls for the nomination and election of a clerk. Thus, theoretically, by having its own officers the caucus is free from the influence of the town officers.

The main business of nominating candidates now begins. The incumbent, the person now holding the office, is automatically placed in nomination if he does not refuse to be a candidate. Others are nominated from the floor, that is by the voters present at the caucus. The Chairman proceeds down the list of officers which appear on the ballot. He states the office, declares whether the incumbent is placed



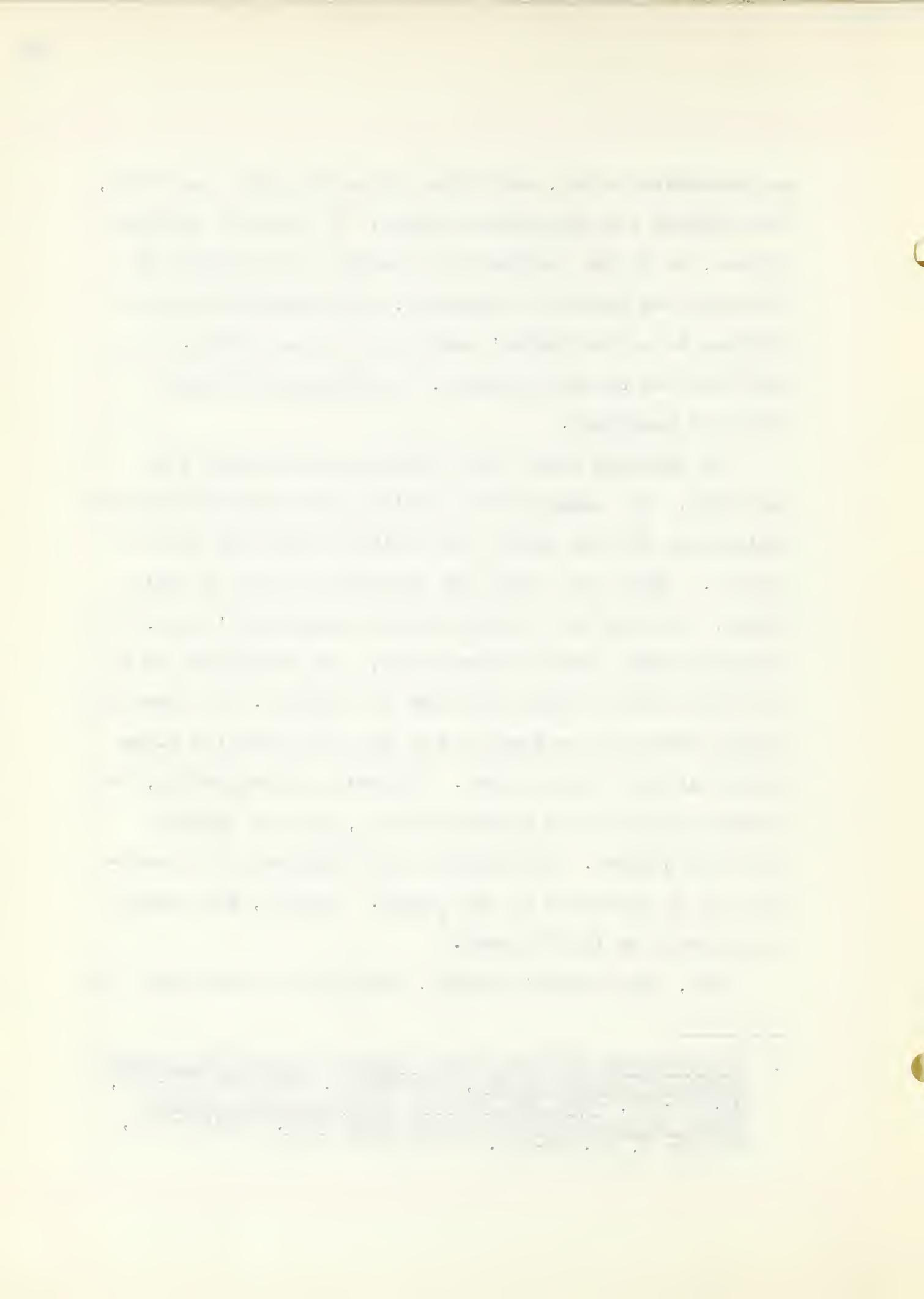
in nomination or not, calls for nominations from the floor, and declares the nominations closed. If there is only one nominee, be it the incumbent or one who is to succeed an incumbent not desiring reelection, he is declared by the Chairman to be the caucus' candidate for the office. If there are two or more nominees, an election by secret ballot is necessary.

The Chairman names four tellers who supervise the balloting. He announces the office and the candidates for nomination; then he orders the ballots passed out by the tellers. These are blank and the voters write in their choice. If they are printed with the candidates' name, the candidates pass them out themselves. The voter goes up to the ballot box and gives his name to a teller. His name is checked off on the voting list by the clerk and the voter places his ballot in the box. Following the balloting, the Chairman declares the election closed, and the tellers count the ballots. The Chairman then announces the candidate who is nominated by the caucus. Finally, the caucus  
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is adjourned by the Chairman.

Thus, the Citizen's Caucus, representing the voters of

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2. Tercentenary Edition of the General Laws of the Commonwealth of Massachusetts, Chapter 53, sections 117-120, pp.592-593, Acts and Resolves Passed by the General Court of Massachusetts in the Year 1932, Chapter 141, section 3, pp.143-144.



the Town, nominates one candidate for each office on the ballot. In many cases to be nominated by the caucus is as good as to be elected because few of the offices are ever contested.

A citizen may also be placed on the ballot by taking out nomination papers. He places his name and the office desired at the top of the paper or papers and secures enough signatures so that there will be one signer for every fifty votes cast in the previous biennal election for governor. There must be at least twenty signatures but there need not be over two hundred and fifty. At the present time thirty signatures are required in Bedford. The candidate must give his papers to the Board of Registrars of Voters who in turn files them with the Town Clerk on, or before, <sup>3</sup> the second Thursday before the election.

When the Town Clerk receives the results of the Citizen's Caucus together with the nomination papers, he prepares a notice in as nearly the same form of the ballot as he is able. In this he states the names, residences, and designations, i.e., incumbent etc., of all the duly nominated candidates and posts it in at least one public place four <sup>4</sup> days before the election.

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3. General Laws, Chapter 53, section 6, p.567.  
4. Ibid., Chapter 54, section 51, p.608.



## B. Election-Meeting

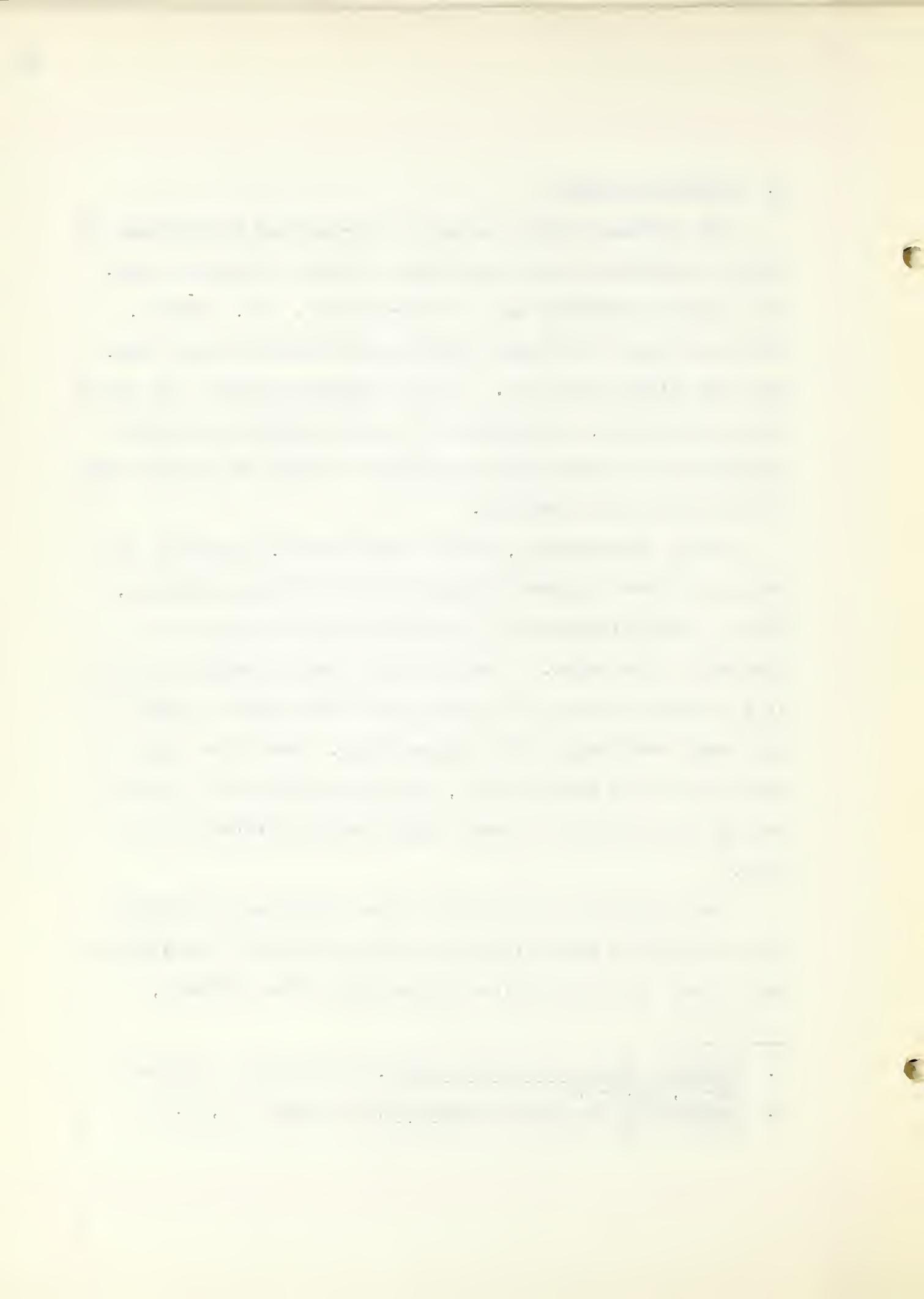
The procedure for calling a town-meeting is governed by strict traditions from the Colonial Period of our history. The Selectmen usually call a town-meeting. If, however, there are none or if they unreasonably refuse to call one, the Town Clerk may do so. If the Selectmen refuse and there is no Town Clerk, a justice of the peace upon the written application of one hundred registered voters or ten per cent of them may call a meeting.<sup>5</sup>

Every town-meeting, annual and special, is called by a printed warrant (agenda) signed by the issuing authority, usually the Selectmen but possible the Town Clerk or a justice of the peace. A copy of the warrant must be posted at the Town Hall and in at least two other public places in the Town seven days before the meeting. Four days prior to the date of any such meeting, the Selectmen send a printed copy of the warrant to every legal resident voter in the Town.<sup>6</sup>

The warrant must state the time and place of holding the meeting and the subjects to be acted upon. The Selectmen insert all the articles requested by the officers,

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5. Extracts from the General Laws, Chapter 39, sections 11-12, pp.3-4.
6. By-Laws of the Town of Bedford, sections 3-4, p.3.



boards, and committees of the Town. They also include all subjects requested by ten or more registered voters in the warrant for an annual meeting, and all items requested by one hundred voters or by ten per cent of the total number of voters in special meeting warrants. <sup>7</sup> The meeting can act only upon matters appearing in the warrant, however, considerable latitude is always permissible. The articles often terminate with the phrase, "or do anything in relation thereto," which gives the meeting ample freedom of action.

The warrant, largely the responsibility of the Selectmen and the Town Clerk, is headed as follows:-

TOWN WARRANT

The Commonwealth of Massachusetts  
MIDDLESEX, SS.

To either of the Constables of the Town of Bedford,  
Greeting:

In the name of the Commonwealth you are hereby required to notify and warn the inhabitants of the Town of Bedford who are qualified to vote in elections and in town affairs to meet in the AUDITORIUM in said Bedford on

MONDAY, THE FIRST DAY OF MARCH, 1948

at eleven forty-five o'clock A.M., at which time the meeting will be called to order, the polls to be open for voting at Twelve o'clock Noon and kept open until Eight o'clock P.M., then and there to bring in their

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7. Extracts from the General Laws, Chapter 39, section 10,  
p.3.



votes for the election of

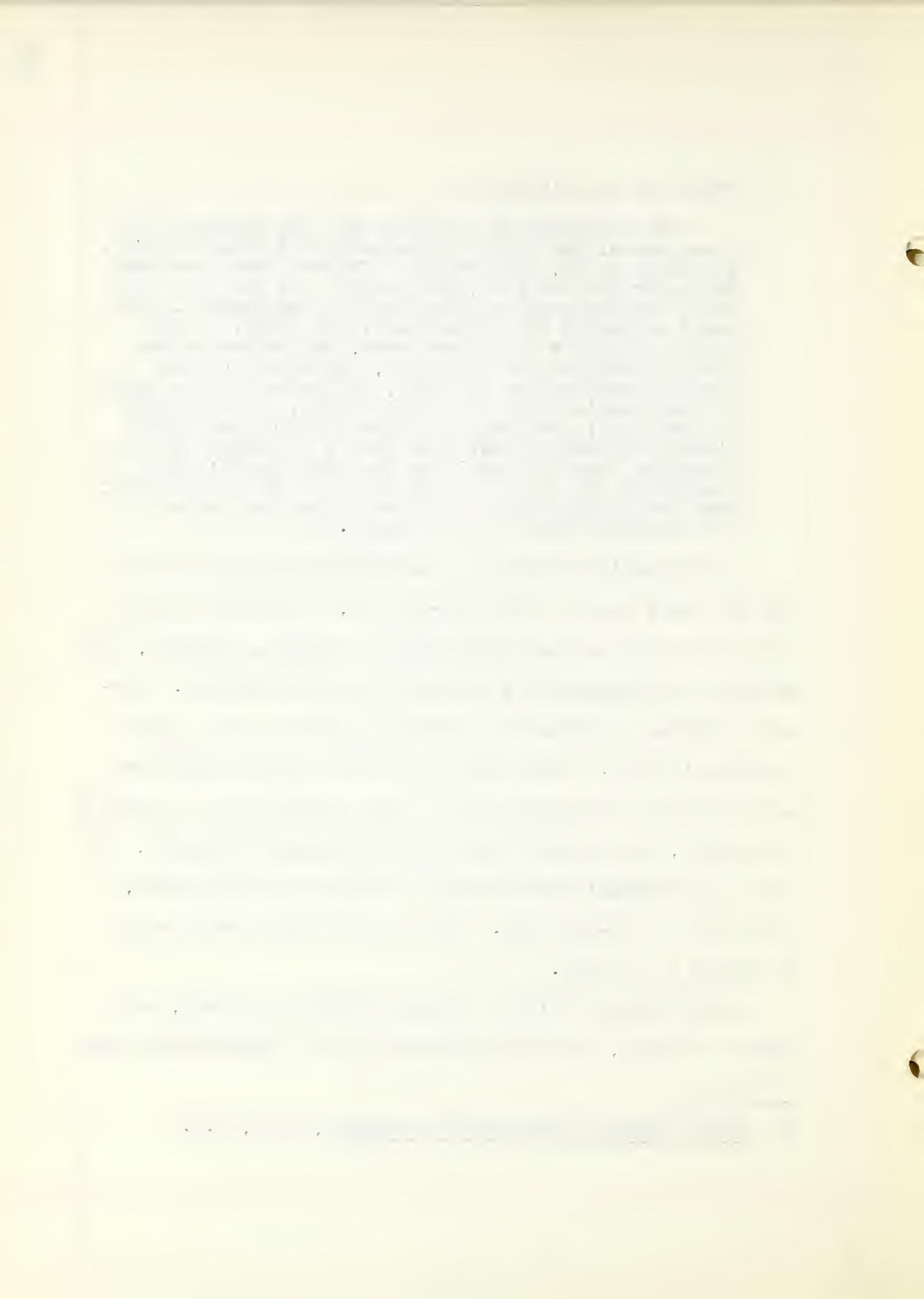
One Selectman for three years; One Assessor for three years; One Member of the Board of Public Welfare for three years; One Treasurer for one year; One Tax Collector for one year; One Auditor for one year; One Water Commissioner for three years; One Member of the Board of Health for three years; One Member of the School Committee for three years; One Member of the School Committee for two years; One Member of the School Committee for one year; One Member of the Board of Toad Commissioners for three years; One Moderator for one year; One Trustee of the Bedford Free Public Library Corporation for four years; One Member of the Shawsheen Cemetery Committee for three years; Five Constables for one year; One Tree Warden for one year; One Park Commissioner for three years; One Member of the Planning Board for five years.<sup>8</sup>

This election section of the warrant forms the basis for the first part of the town-meeting, the business meeting takes place on the second Monday in March. However, the suffrage requirements are the same for both meetings. Persons entitled to attend are those qualified to vote under the State's laws. This means that every person twenty one and over who has resided in the State one year and in Bedford six months, who can read and write the English language, and who is not disqualified because of insanity or pauperism, can vote in town-meetings. Men have the added requirement of paying a poll tax.

The Election Officers, namely a warden, a clerk, and several tellers, are chosen by and receive compensation from

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8. Annual Report of the Town of Bedford, 1948, p.8.



the Selectmen. The meeting is called to order by the Warden at eleven forty-five o'clock in the morning of the first Monday in March. The return of the warrant by the Constable is read by the Town Clerk as follows:-

February 9, 1948.

MIDDLESEX, SS

Pursuant to the within warrant I have summoned and notified the inhabitants of the Town of Bedford as within commanded by posting attested copies of the same at the Town Hall and two other public places in said Town.

FREDERICK H. SULLIVAN, 9  
Constable of Bedford.

Formerly, the law stated that the whole warrant was to be read at this time, but now only the return is read. The ballot box is examined and locked, the keys being turned over to the Constable in attendance. Finally, after the Town Clerk swears in the Election Officers, the Polls are declared open at twelve o'clock noon. They remain open until eight o'clock at night, when the Warden declares them closed.

The voter enters the Auditorium of the Junior High School, gives his name to a teller, and has it checked off on the voting list. He proceeds to a second teller where

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9. Ibid., p.16.



the process is repeated and he receives a printed ballot. Then he goes to a private booth and marks his ballot with a pencil. When the voter has finished he gives his name to a third teller, it is checked off, and he deposits his ballot in the ballot box.

After the Polls are closed the Election Officers count the ballots, enclose them in envelopes, sign the envelopes, and pass them to the Town Clerk. The latter records the votes and the town-meeting is adjourned until the following  
10 Monday.

Immediately after the election of town officers, the Town Clerk must send to the Secretary of the Commonwealth a  
11 complete list of all town officers elected and qualified. When a candidate believes that a mistake was made in counting the ballots, a recount may be ordered. If, as a result, a person is elected other than the one declared to be elected, the Registrars of Voters sign a certificate declaring him elected which the Town Clerk delivers to the newly  
12 elected person.

### C. Business-Meeting

All business, except the election of officers and the determination of such matters as is required by law to be

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10. Ibid., pp.16-19.

11. General Laws, Chapter 41, section 15, p.429.

12. Ibid., Chapter 54, section 135, p.631.



on the ballot, is considered at an adjourned town-meeting held on the second Monday in March at eight o'clock in the <sup>13</sup> evening. With the length of the warrant ever increasing, it has been necessary to hold two adjourned town-meetings to act on all the articles. Notice of this meeting must be posted in the same places where the original notice of the meeting was posted. This is done immediately after the adjournment is announced, and the notice must state the <sup>14</sup> business that is to be voted on at the meeting.

As an illustration of the business that is likely to come before a Bedford Town-Meeting, the following extracts from the second portion of the 1948 warrant, quoted above, is inserted.

The following articles to be voted upon at an adjourned meeting to be held Monday evening, March 8, 1948, at Eight o'clock P.M. in the AUDITORIUM:

ARTICLE 1. To hear the reports of Committees and Town Officers and act upon the same.

ARTICLE 2. To raise such sums of money as may be necessary to defray the expenses of the Town for the ensuing year and make appropriations for the same.

ARTICLE 3. To see what method the Town will adopt for the repair of roads and bridges for the ensuing year and make appropriations for the same.

ARTICLE 4. To designate the time and manner of collecting the taxes and to fix the compensation of the

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13. By-Laws of the Town of Bedford, section 1, p.3.

14. Ibid., section 5, p.3.



collector of taxes for the ensuing year.

ARTICLE 5. To see if the Town will authorize the Town Treasurer, with the approval of the Selectmen, to borrow money from time to time in anticipation of the revenue of the financial year beginning January 1, 1948, and to issue a note or notes therefor, payable within one year, and to renew any not or notes as may be given for a period of less than one year in accordance with Section 17, Chapter 44, General Laws.

ARTICLE 6. To see for what purpose the Town will appropriate the money received from Dog Licenses.

ARTICLE 7. To see if the Town will authorize the Collector of Taxes to use all means for the collection of taxes which the Town Treasurer when appointed Collector may use.

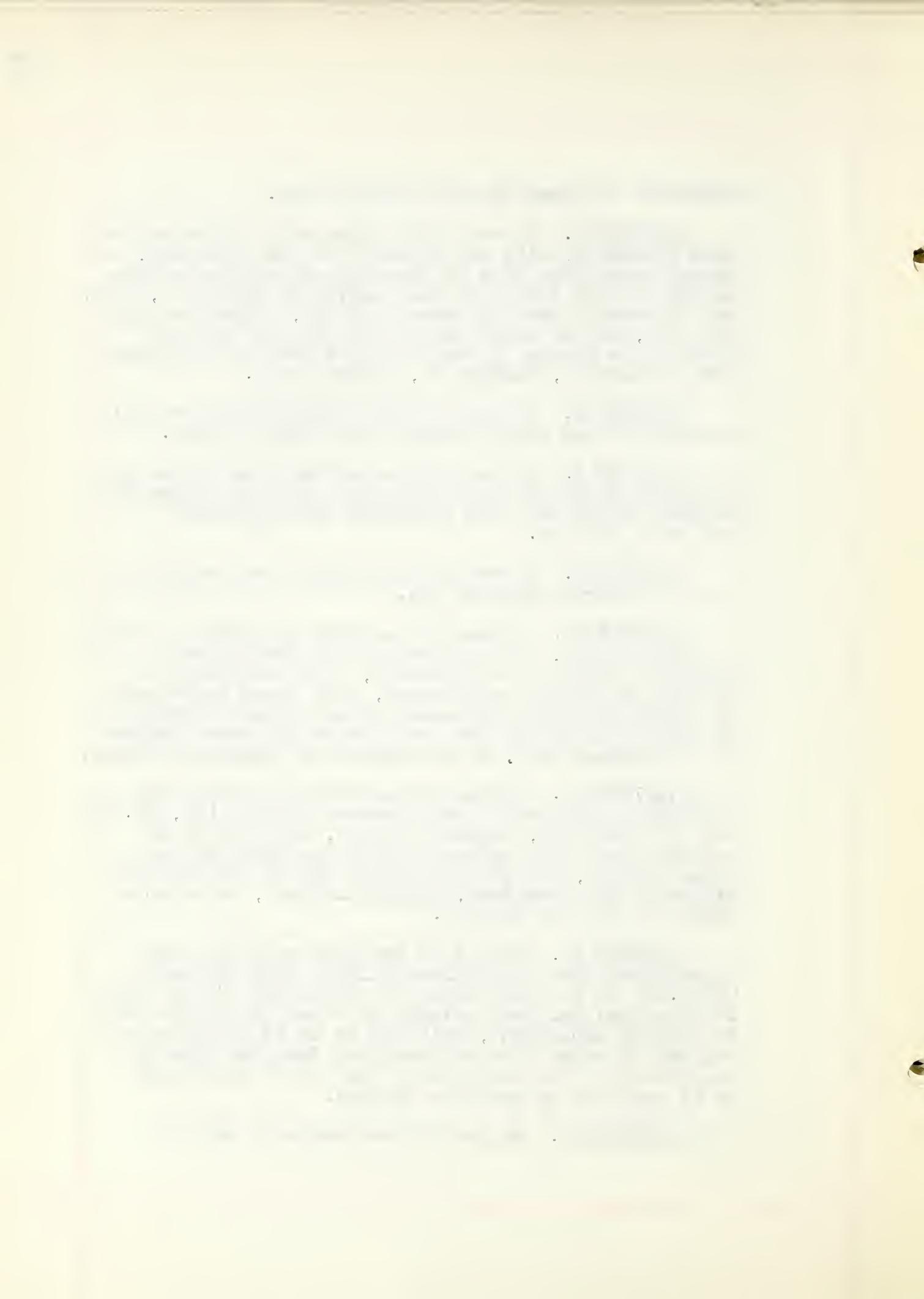
ARTICLE 8. To see in what manner the Town will vote to observe Memorial Day.

ARTICLE 11. To see if the Town will vote to raise and appropriate, or transfer from unappropriated available funds in the Treasury, a sum of money for Chapter 90 Highway Maintenance, said money to be used in conjunction with any money which may be allotted by the State and County for work under the above Chapter of the General Laws, or do anything in relation thereto.

ARTICLE 14. To see if the Town will raise and appropriate the sum of Two Thousand Dollars (\$2,000.00) for the Town Ways, Highway Account, said sum to be expended under the supervision of the Board of Road Commissioners, and that the above sum be added to the balance of the Town Ways, Highway Account, or do anything in relation thereto.

ARTICLE 18. To see if the Town will raise and appropriate the sum of Three Hundred Fifty Dollars (\$350.00) to be spent under the direction of the Board of Selectmen for the purchase of a new automobile for the Police Department, said sum to be in addition to any and all sums of money received from the sale of the Chevrolet Car now used by the Police Department or do anything in relation thereto.

ARTICLE 19. To see if the Town will vote to



authorize the Selectmen to dispose of the Chevrolet Car now owned by the Town and used by the Police Department, and authorize the Selectmen to apply any and all sums received from said sale towards the purchase of a new car for the Police Department, or do anything in relation thereto.

ARTICLE 24. To see if the Town will vote to raise and appropriate the sum of Sixty-four Hundred Dollars (\$6,400.00) for the purchase of 400 new house meters, said money to be expended under the direction of the Board of Water Commissioners, or do anything in relation thereto.

ARTICLE 25. To see if the Town will vote to authorize the Board of Water Commissioners to increase the annual minimum charge for water to each taker, beginning with the June 1, 1948 quarter, from ten dollars (\$10.00) to twelve dollars (\$12.00), payable quarterly in advance, or do anything in relation thereto.

ARTICLE 29. To see if the Town will vote to raise and appropriate the sum of Thirty-nine Hundred Dollars (\$3,900.00) for the purpose of extending the mains of the Town Water System, under the direction of the Board of Water Commissioners, beginning at the junction of Spring Road and Pine Hill Road, and extending westerly along Pine Hill Road to the Boston & Maine Railroad Location at said Pine Hill Road, a distance of about 650 feet, or do anything in relation thereto.

ARTICLE 32. To see if the Town will vote to amend the By-Laws "Water Department Rules and Regulations--Extensions of Mains"--by adding a sentence thereto as follows:-

If the cost of an extension of the water mains will exceed Twenty Thousand Dollars (\$20,000.00) the term of the guarantee may be increased from five years to ten years, and the guaranteed income be decreased from five per cent per year to two and one-half per cent per year provided the person or persons desiring such extension so request, or do anything in relation thereto.

ARTICLE 34. To see if the Town will approve the following salaries for the Board of Health:  
Salary of Chairman to be \$100.00



Salary of the Clerk to be \$100.00  
Salary of Third Member to be \$100.00  
or do anything in relation thereto.

ARTICLE 35. To see if the Town will vote to amend the Protective by-Law (zoning) by adopting the new section, as follows:

Section VIII. Par.7. In a Business or Industrial District buildings erected for residence purposes and their premises shall conform to the lot size, frontage, yard and other regulations of this section applicable to the Residence C District.

ARTICLE 37. To see if the Town will vote to raise and appropriate the sum of One Hundred and Sixty Dollars (\$160.00) for the purpose of installing eight (8) street lights as follows:

Two (2) lights on Masardis St.  
Two (2) lights on Winthrop Ave.  
Two (2) lights on Lane Ave.  
One (1) light on Springs Road beyond Page Road  
and one (1) light on Hume Road  
or do anything in relation thereto.

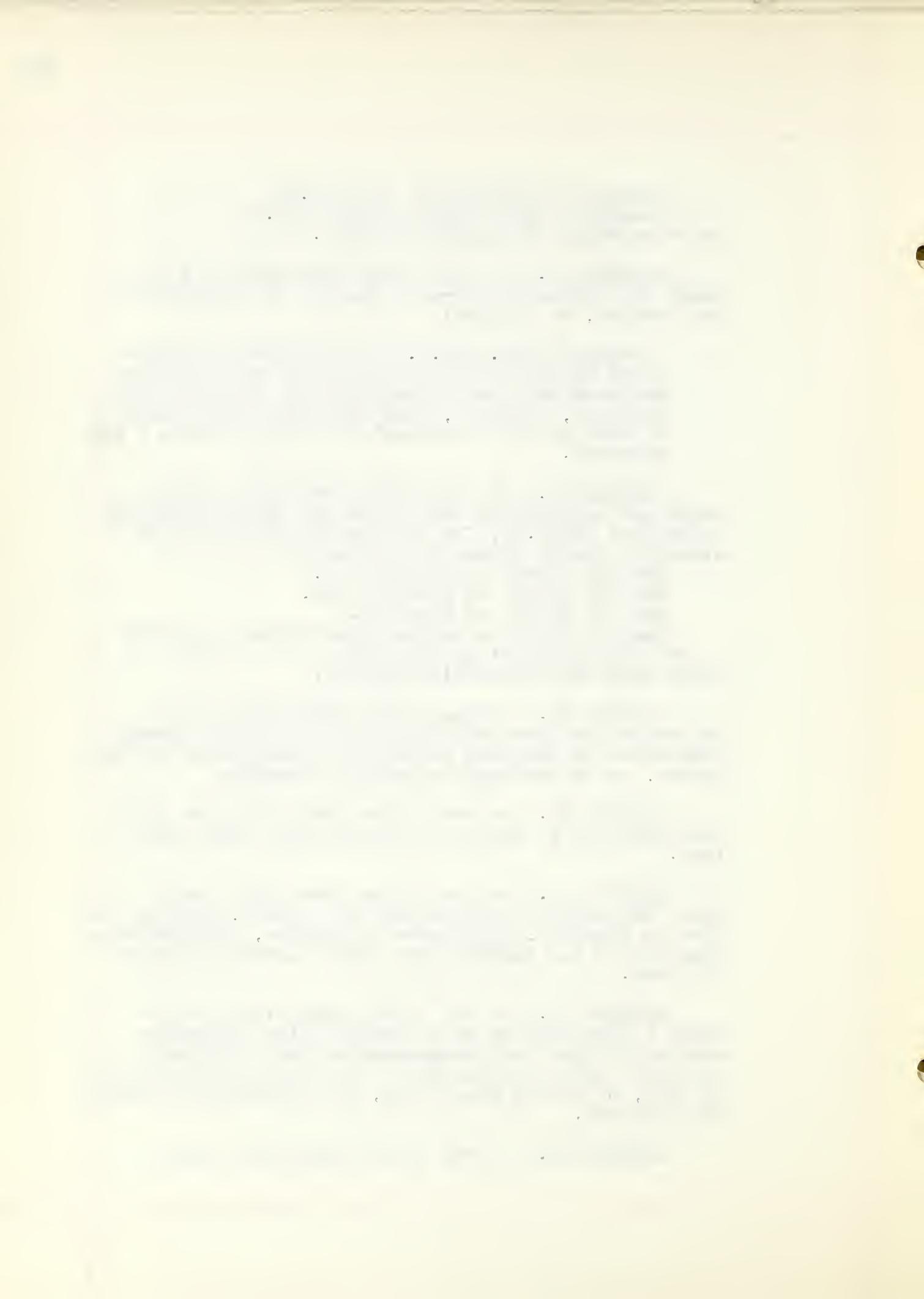
ARTICLE 39. to see if the Town will vote to authorize the Board of Selectmen to sell and convey land owned by the Town acquired by foreclosure of tax titles, or do anything in relation thereto.

ARTICLE 41. To see if the Town will vote that the Collector of Taxes be elected for a three year term.

ARTICLE 43. To see if the Town will vote to grant the free use of the Hartwell Stable, owned by the Town to Troop 16, Boy Scouts of America, provided the Trustees of the Bedford Free Public Library approve the same.

ARTICLE 44. To see if the Town will vote to erect a fire station or a combined fire and police station on the site recommended by the committee appointed Under Article 39 of the annual Town Meeting of 1947, or on any other site, or do anything in relation thereto.

ARTICLE 45. To see if the Town will vote to



raise and appropriate the sum of \$75,000.00 or any other sum for the purpose of constructing and originally equipping the station authorized under the preceding article, determine whether the money shall be provided for by borrowing, by taxation, by transfer from available funds in the Treasury, or by appropriation from the Post-War Rehabilitation Fund, appoint a committee including the Board of Selectmen to have charge of the construction of said station; or do anything in relation thereto.

ARTICLE 46. To see if the Town will authorize said committee appointed under Article 45 to dispose of any and all buildings, if any exist, by removal, sale or otherwise, that are now standing on site or parcel of land on which said building authorized under Article 45 is to be erected, appropriate a sum of money for this purpose, or do anything in relation thereto.

ARTICLE 48. To see if the Town will authorize the School Committee to continue Federal Lunch Program during the year 1948, and the Town to raise and appropriate the sum of Eleven Thousand Dollars (\$11,000.00) for this purpose or do anything in relation thereto.

ARTICLE 50. To see if the Town will vote to authorize the Moderator to appoint a committee of seven members, including the School Committee, to make a study and submit a report not later than the next annual town meeting on future school building needs.

ARTICLE 52. To see if the Town will vote to raise and appropriate a sum of money to establish and maintain a Department of Veterans Services as provided for in Chapter 599 of the Acts of 1946, or take any action relative thereto.

And you are directed to serve this warrant by posting attested copies thereof at least seven days before the time of said meeting as directed by vote of the Town.

Hereof fail not and make return of this warrant with your doings thereon, at the time and place of said meeting.

Given under our hands this ninth day of February, in the year of our Lord, One thousand nine hundred



and forty-eight.

EARL S. ATWOOD,  
CHARLES S. HUME,<sup>15</sup>  
CLAYTON O. MORRILL,

The meeting is called to order by the Moderator at the time appointed if a quorum is present. In Bedford a quorum, the number of voters necessary to hold a meeting, is fifty <sup>16</sup> registered voters. The Town Clerk reads the Constable's return of the warrant and, as in the case of the election-meeting, further reading of the warrant is dispensed with. Then the Moderator requests all present to stand while one of the three pastors in the Town delivers the Invocation.

Following these opening ceremonies, the meeting proceeds from article to article through the warrant. The conduct of the meeting is determined by the rules of practice contained in Cushing's Manual of Parliamentary Practice in so far as they may be adapted to the circumstances of <sup>17</sup> the meeting. "But the success of town-meeting procedure is a matter of personality rather than of more formal regulation-particularly the personality of the moderator."<sup>18</sup> The Moderator, the presiding officer of the town-meeting, must not hold any other elective or appointive post in the Town

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15. Annual Report of the Town of Bedford, 1948, pp.8-16.

16. By-Laws of the Town of Bedford, section 2, p.3.

17. Ibid., section 10, p.4.

18. J.F.Sly, Town Government in Massachusetts (1620-1930), p.153.



so that the meeting, in theory, will be free from the control and influence of the town officers. This officer regulates the meeting's proceedings, decides all questions of order, makes public declaration of all votes, and may administer in open meeting the oath of office to any town officer.<sup>19</sup> No person can address a town-meeting without the permission of the Moderator, and all persons may be silenced by him. If a voter persists in disorderly behavior, the Moderator may order him to leave, and should he refuse, the Moderator may require a Constable to confine the offender until the meeting is over.<sup>20</sup>

The procedure is roughly outlined below. The Moderator states an article as, "ARTICLE6. To see for what purpose the Town will appropriate the money received from Dog Licenses."<sup>21</sup> A voter then stands and says, "Mr. Moderator," and the latter recognizes him by stating the voter's name as, "Mr. Smith." Mr. Smith continues, "I move that the money received from the County on account of Dog Licenses be appropriated for the Public Library." Another voter seconds the motion. When this is ended, the motion is voted upon, the Moderator calling for a voice vote for and against the

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19. Extracts from the General Laws, Chapter 39, section 15, p.4.

20. Ibid., section 18, p.5.

21. Annual Report of the Town of Bedford, 1948, p.9.



article. Finally, the Moderator declares the vote by saying, "The ayes have it and the motion is carried," or "The nos have it and the motion is lost." If a declared vote is immediately questioned by seven or more voters, the Moderator must take a rising vote. That is he will ask those for the measure to rise and be counted by tellers, especially appointed by him for this purpose, and then ask the same of those who oppose the article. All but a very few of the measures will be approved by a voice vote without dissent. Most of the motions require but a majority vote, but some need a two-thirds vote to be binding. When this situation occurs, a rising vote must be taken and the vote recorded by the clerk. When the last article is voted upon and after the Moderator appoints the three new members to the Finance Committee, a vote/adjourn is in order. This vote being completed, the Moderator declares the town-meeting adjourned

22

Town meeting is a collection of individualists. When a man arises and cries, "Mr. Moderator!" and is properly recognized, no man living is big enough to make him sit down. So long as he speaks on the subject, uses proper words, and obeys parliamentary procedure in the hall knows that the same privilege will be extended in turn. So long as anyone wishes to speak, the matter at hand is held open for discussion. Knowing this, the Yankee carries the Town Meeting into his state and national politics. Town Meeting may have developed the Yankee frame of mind, or the Yankee may have developed Town Meeting, but they go together like

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22. Extracts from the General Laws, Chapter 39, section 15,  
p.4.



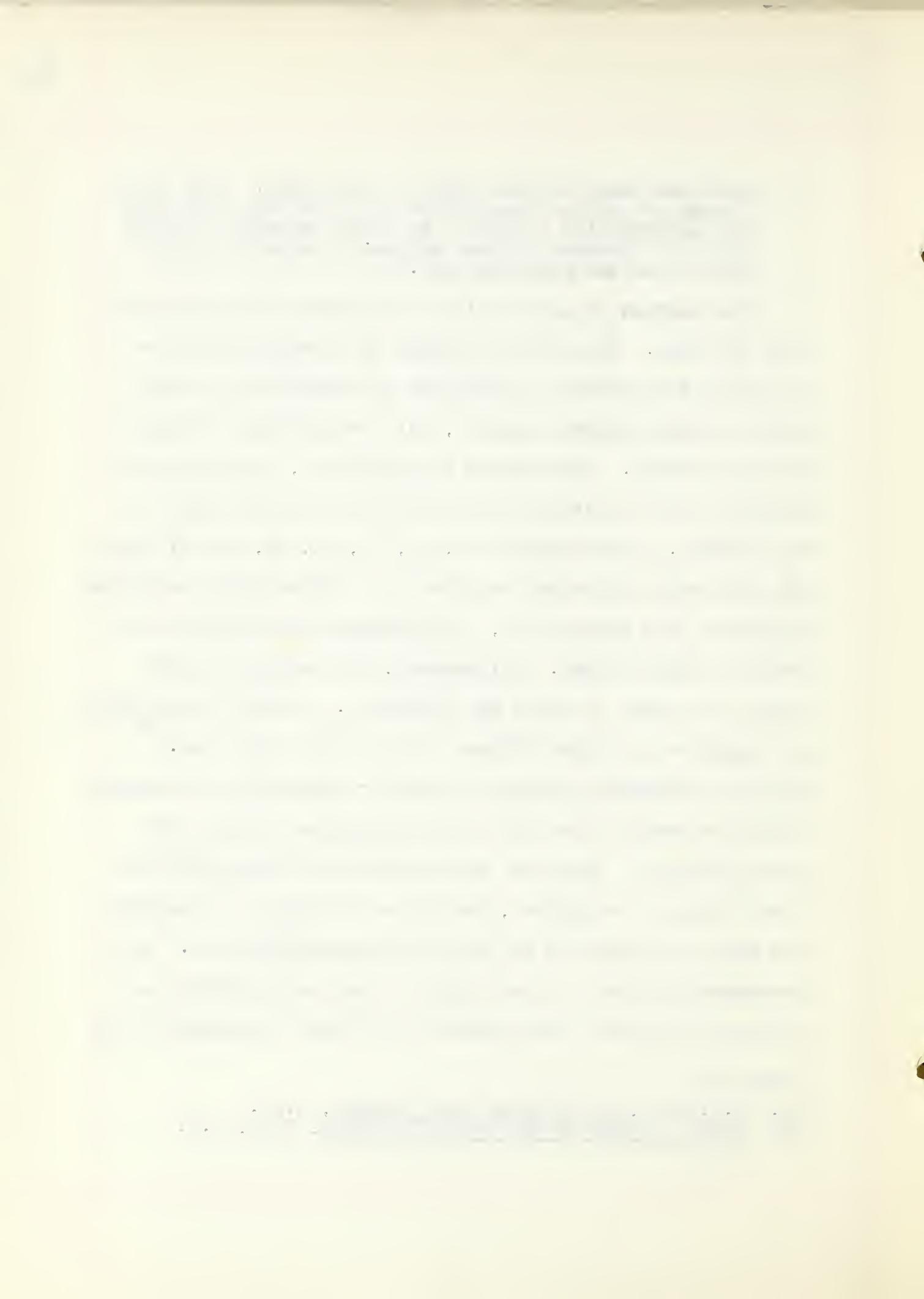
pork and beans and one explains the other. Each voter brings his utter independence into the hall, and from the congregation results a majority decision in which unity is attained without anyone's losing the least bit of his own separate self.<sup>23</sup>

The warrant is not as clear as it might be and not too well arranged. The latter case may be illustrated by the fact that the articles calling for the extension of water mains are not grouped together, but are scattered throughout the warrant. To overcome this obstacle, the meeting by majority vote may consider an article out of its order in the warrant. Thus Articles 26, 28, 29, 30, 31, and 47 dealing with water mains may be taken up consecutively and after they have been disposed of, the meeting can go back to the articles they skipped. Furthermore, the warrant is not clear as to what it means by "ARTICLE 1. To hear the reports of Committees and Town Officers and act upon the same."<sup>24</sup> This is a standard article to call for the reports of special committees such as that for constructing the new fire and police station. When the meeting votes to accept the report of such a committee, that vote dissolves the committee but does not carry out or act on its recommendations. No recommendation made in the report of any such special committee can be acted upon unless it has been announced in the

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23. J.T.Gould, New England Town Meeting, p.35.

24. Annual Report of the Town of Bedford, 1948, p.8.



# WARRANT FOR SPECIAL TOWN MEETING

Commonwealth of Massachusetts

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MIDDLESEX, SS.

To either of the Constables of the Town of Bedford, Greeting:

In the name of the Commonwealth you are hereby required to notify and warn the inhabitants of the Town of Bedford who are qualified to vote in town affairs to meet in the TOWN HALL in said Bedford on

**MONDAY THE 21ST DAY OF JUNE, 1948**

at eight o'clock in the evening, at which time the meeting will be called to order, to vote upon the following article of the Town Warrant:

**ARTICLE 1.** To determine whether there is need for a housing authority in the Town of Bedford and to provide for the organization of such an authority in accordance with Section 26K of the Housing Authority Law, Chapter 121 of the General Laws of Massachusetts.

And you are directed to serve this warrant by posting attested copies thereof at least seven days before the time of said meeting as directed by vote of the Town.

Hereof fail not and make return of this warrant with your doings thereon, at the time and place of said meeting.

Given under our hands this first day of June, in the year of our Lord, One Thousand Nine Hundred and Forty-eight.



CHARLES S. HUME,  
CLAYTON O. MORRILL,  
ALBERT W. CLIFFORD, }  
Selectmen  
of  
Bedford

A true copy, attest:

Frederick H. Sullivan,  
Constable.

11/22/1990 11:45:00 AM  
2011-01-01 00:00:00

warrant that the report of the committee is to be considered. Then it takes a separate motion to act on the recommendations of a previously accepted report.<sup>25</sup>

The Selectmen may call a special town-meeting any time they believe there is business that can not wait until the next annual meeting. However, they must call such a meeting when two hundred registered voters or twenty per cent of the total number of voters request it. The law requires this meeting to be held within thirty days after the request has been received/<sup>and</sup> the warrant must contain all the subjects requested by the voters.<sup>26</sup>

The greatest change in the town-meeting came with the Nineteenth Amendment. To be sure women had been allowed to vote for school committee members for some time, but the full participation of women in town-meeting caused many a man to fear that the death-knell of town-meeting government had been sounded. Although the women changed a few aspects, the meetings went on much as they did before.

Women have added sentimentality to Town Meetings. They favor parks and tree planting programs, better school conditions, police protection, and a variety of items the men never worried about. Women will applaud a fine speech - men never did. And a conniving man can often line up the women's vote to his own advantage by sentimental chicanery that would have got him hooted out of the meeting twenty-five years ago.

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25. By-Laws of the Town of Bedford, section 6, p.3.  
 26. Extracts from the General Laws, Chapter 39, section 10, p.3.



But Town Meeting goes ahead with the women present without any changes in form or effect. The Women take to town affairs with interest and enthusiasm, and they are just as independent about it as the men - although they are more inclined to voting as a group than their husbands. Interesting figures should be available, but aren't, on the number of Yankee wives whose votes offset those of their husbands - and neither party loses sleep over the difference of opinion. A Yankee demands respect for his own frame of mind, and respects that of others.<sup>27</sup>

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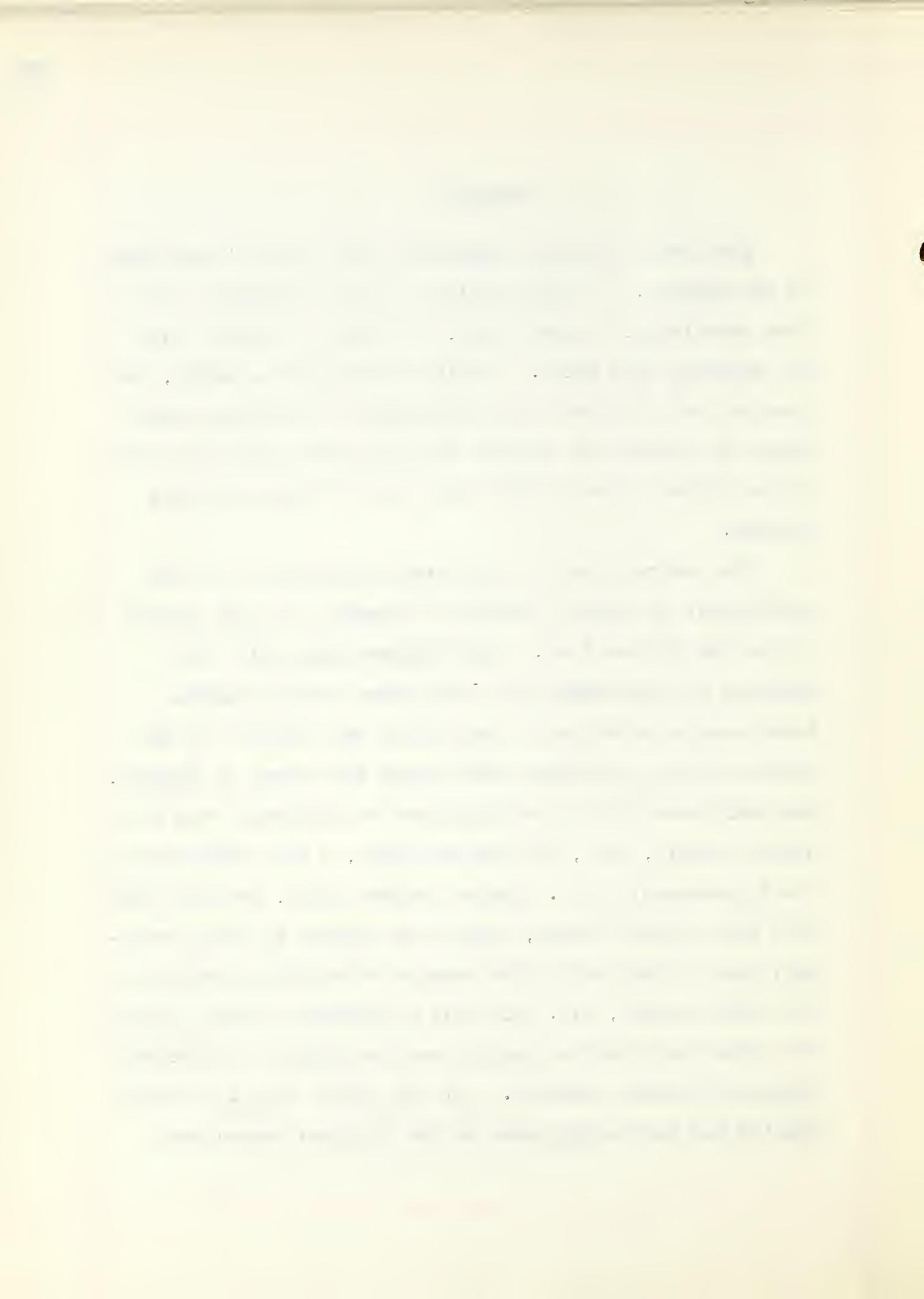
27. J.T.Gould, New England Town Meeting, p.46.



## SUMMARY

The town is the most important rural unit of government in New England. In this section, it is an irregular area of land containing, in most cases, a village of varying size and outlying farm lands. Despite its ancient ancestry, the town was not regarded as the stronghold of democracy until Alexis de Tocqueville pointed that fact out during his visit to the United States in the first part of the nineteenth century.

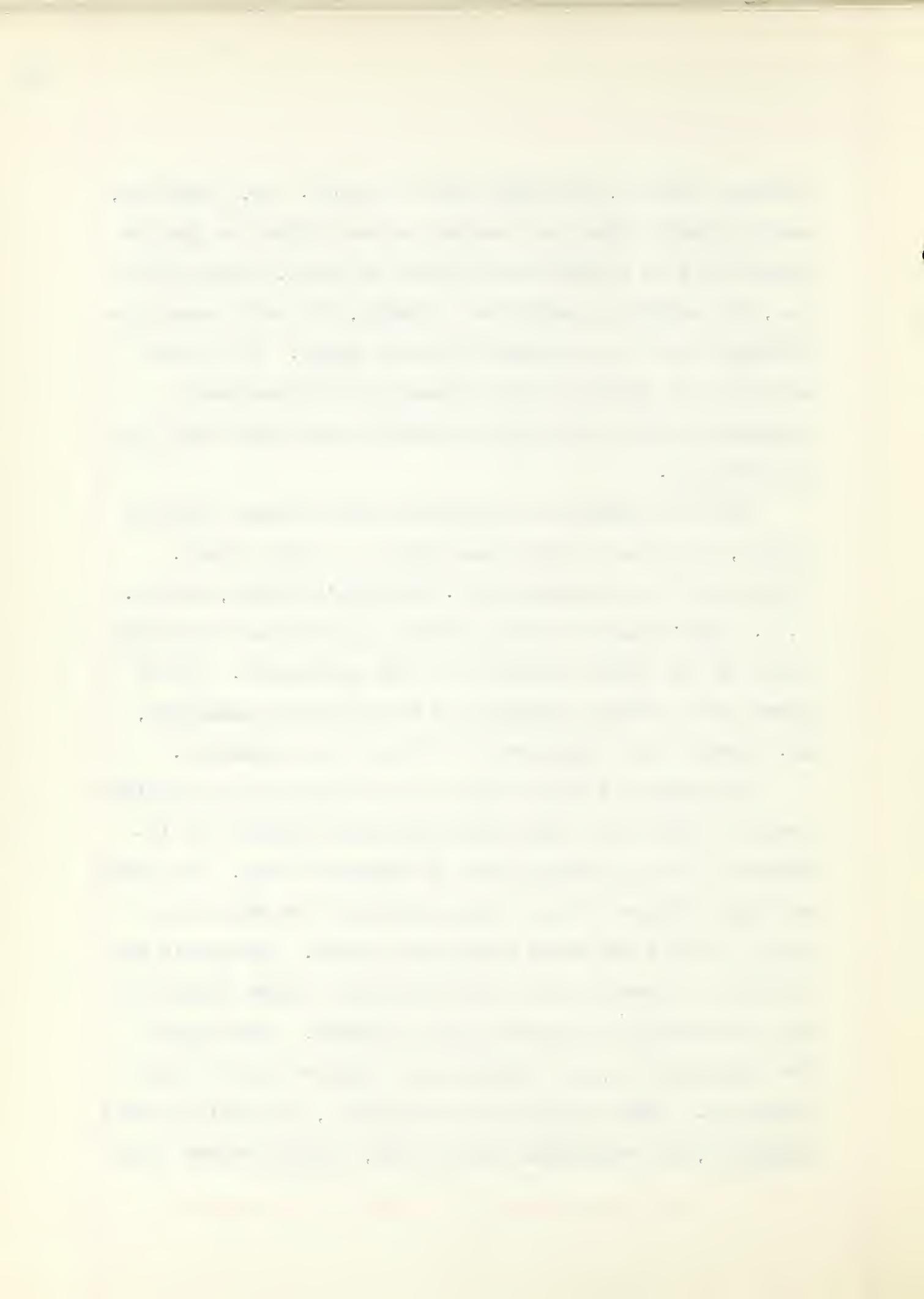
The observations of this noted Frenchman led to the development of several schools of thought as to the origin of the New England town. John Stetson Barry felt that although the Englishmen who established the New England towns carried with them a familiarity and respect for the forms of local government under which they lived in England, the environment of the New World was so different from the mother country, that, for the most part, a new institution of local government arose. Herbert Baxter Adams, not satisfied with this limited theory, traced the origins of town government back to the early Aryan peoples of northern Germany in the fifth century, A.D. His well documented analogy between the German mark and the English and New England town greatly interested Edward Channing. But the latter held that while tracing the town origin back to the northern German mark



appeared logical, analogies were not proof. He, therefore, merely claimed that the town was modeled after the English parish or town of 1600 and modified by local, ecclesiastical, and economic conditions. Finally, the most recent explanation was that of Charles Francis Adams. In 1892 he attempted to prove that Massachusetts town government originated from imitating the charter under which the colony was governed.

With the exception of Charles Francis Adams' mistaken theory, the ideas of these men rested on solid ground. There can be no question of Mr. Channing's thesis, and Mr. H. B. Adams' ideas are now generally accepted as being very close to the actual evolution of town government. Of the first three writers discussed in the preceding paragraph, Mr. Barry is now considered to be the least authentic.

The general features that we associate with New England towns of today were well established when Bedford was incorporated on the twenty-third of September 1729. The north and east sections of the town were taken from Billerica while the west and south came from Concord. The people had desired to separate from these two ancient towns because it was so difficult for them to get to church. Even before the incorporation, the citizens had begun to build a meeting-house. When the Church was organized, the meeting-house completed, and the school established, Bedford became fully



organized as a municipality and as an ecclesiastical body of the Province of the Massachusetts Bay.

Today, the Town of Bedford's powers and duties, as exercised through its officers, are established by act of the General Court of Massachusetts. This body also stipulates the town officers that are to be elected and their term of office. Finally, the General Court provides for the filling of vacancies in town government.

One of the most indespensable town officers is the Town Clerk. The duties of this officer are enormous in number, and complex in form. Among other things, he records town-meeting votes, births, marriages, deaths, etc.; and he issues various licenses such as those for dogs, hunting and fishing, and the handling of explosives. Moreover, the Town Clerk is the advisor and servant to all the officers, boards, committees, and citizens of Bedford. He coordinates the work of these officers and the four levels of government, i.e., Town, County, Commonwealth, and Nation. In this latter respect, he works very closely with the Selectmen.

The Selectmen are the most important officers in the Town. They serve as the chief administrators of the Town and delegate most of their duties to the many officers appointed by them, overwhom they exercise considerable control. Among their duties are the selling of town land, the issuing of warrants, and the granting of various licenses.



While these are the most important officers, the Town is also served by appointed officials such as the Chief of Police, the Engineers of the Fire Department, the Town Accountant etc., and by other elected officers such as the Assessors, the Town Treasurer, the Tax Collector, etc.

Over and above everything else, the town-meeting remains the most outstanding feature of New England town government. This meeting is an assembly of a town's qualified voters which elects the town officers, makes appropriations, levies taxes, and passes local legislation. This is one of the few examples of citizens governing themselves rather than acting through representatives.

The annual town-meeting of Bedford occurs on the first Monday in March and it has one or two adjourned sessions. The First session, taking place on the first Monday, is devoted to the election of town officers. These men and women will have been nominated, and thus placed on the ballot, by the Citizen's Caucus, representing all the Town's legal voters, or by nomination papers. The election is by secret, printed ballot, and the Polls are open from twelve o'clock noon to eight o'clock in the evening. The adjourned meetings, one or two depending upon the length of the warrant, are held on consecutive Mondays at eight o'clock in the evening. In these sessions, the business of running the Town is discusses. All the subjects that are to come before



the meeting must appear in the warrant. These include such items as hearing reports of special committees, voting appropriations to the various departments of town government, voting water main extensions, and voting to change the By-Laws. The conduct of the meeting is determined by the rules of practice contained in Cushing's Manual of Parliamentary Practice, but the success of any procedure depends on the ability of the Moderator, the meeting's presiding officer.

The Selectmen may call a special town-meeting at any time if they think there is business that can not be put off until the next annual meeting. A meeting of this type occurs on the average of once or twice a year.

In conclusion, Viscount Bryce has aptly described the place of New England town government in the twentieth century.

Of the three or four types or systems of local government which I have described, that of the Town or township with its popular primary assembly has been the best. It is the cheapest and the most efficient; it is the most educative to the citizens who bear a part in it. The town-meeting has been not only the source but the school of democracy. The action of so small a unit needs, however, to be supplemented, perhaps also in some points supervised, by that of the county, and in this respect the mixed system of the Middle States is deemed to have borne its part in the creation of a more perfect type. For some time past an assimilative process has been going on over the United States tending to the evolution of such a type.<sup>1</sup>

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1. Viscount Bryce, The American Commonwealth, pp.626-627.



The author believes that while this assimilative process is, to a certain degree, inevitable, every effort should be made to instill a respect for and an understanding of New England town-meeting democracy. The purpose of this thesis is, therefore, to instruct the secondary school pupils of Bedford in the important features of their town government so they will become intelligent and responsible citizens in a democratic society.



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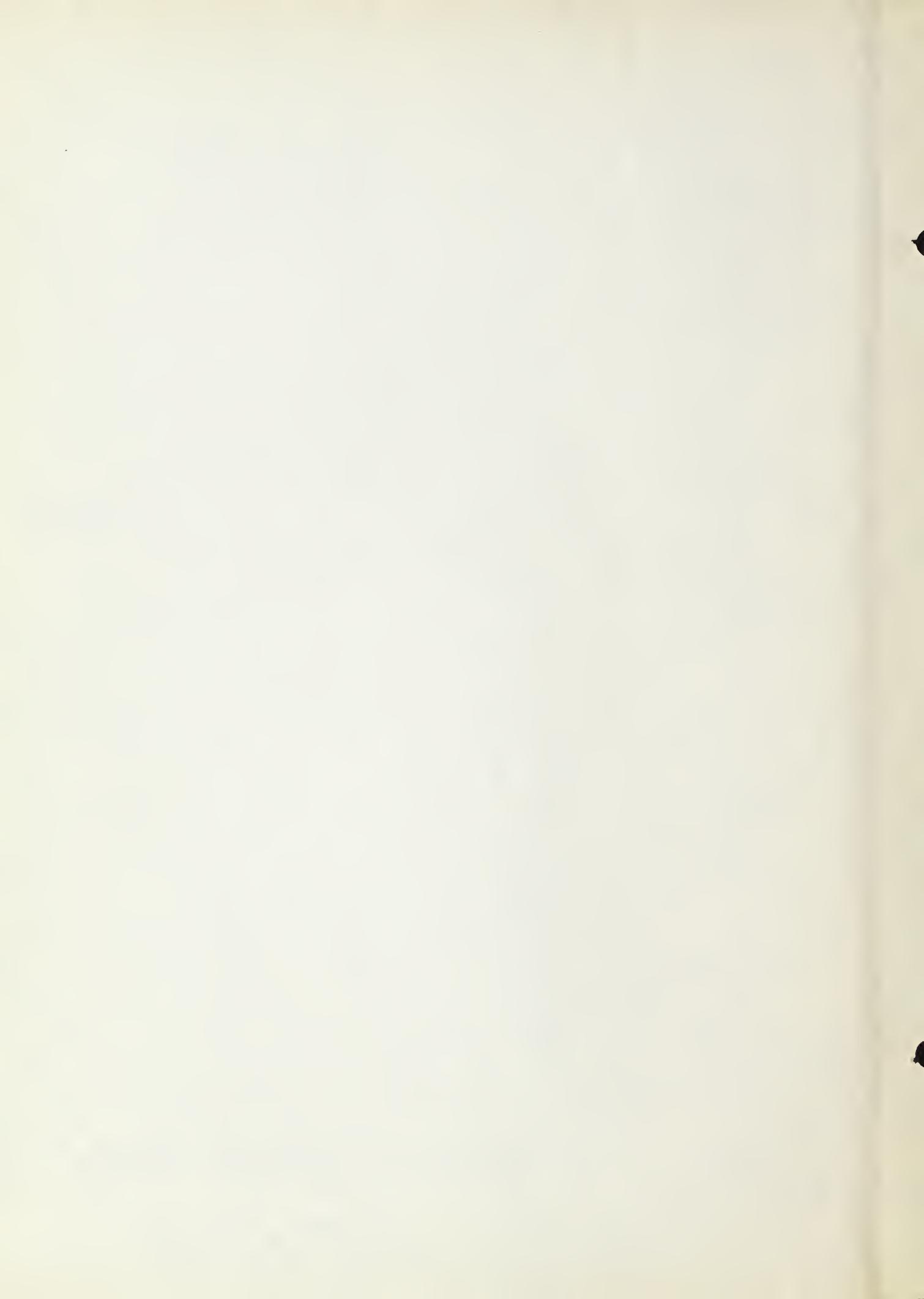
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